

13 October 2025

IR-01-25-33748

**s 9(2)(a) OIA**

Tēnā koe **s 9(2)(a) OIA**,

Thank you for your Official Information Act 1982 (OIA) request dated 12 September 2025. You asked for information related to “firearms licencing”.

My response to each of your questions are provided below:

*Please confirm whether Jevon McSkimming (also reported at times with varied spellings, e.g., McSkimmin/McSkinning) currently holds or has ever held a New Zealand firearms licence. If yes, please provide:*

- *The licence type(s) and number(s), and dates of issue, expiry, suspension, or revocation;*
- *Whether any suspension, revocation, or conditions were applied during the period when investigations and/or charges relating to objectionable material or misconduct were on foot, and the dates of any such decisions;*
- *The decision-maker(s) (position titles) and the policy criteria relied on for any suspension/reinstatement or decision not to suspend;*
- *Whether any automated flags or risk assessments were triggered in your systems (yes/no) and the dates they were opened/closed.*

**B. Firearms Licence – MP Benjamin Doyle**

*Please confirm whether Benjamin Doyle, Member of Parliament (Green Party), currently holds or has ever held a New Zealand firearms licence. If yes, please provide:*

- *The licence type(s) and number(s), and dates of issue, expiry, suspension, or revocation;*
- *Whether any review, suspension, revocation, or conditions were applied in light of verified security threats reported publicly, and the dates of any such decisions;*
- *The decision-maker(s) (position titles) and the policy criteria relied on for any decisions;*
- *Whether any automated flags or risk assessments were triggered in your systems (yes/no) and the dates they were opened/closed.*

The Firearms Safety Authority is committed to maintaining the integrity of the licencing system. Your request requires the release of a private individual's personal information. We consider that there is a public interest in maintaining the public's trust that outweighs any public interest in releasing the information you have requested.

Therefore, information relating to any firearm licence status of any individual, including Jevon McSkimming and Benjamin Doyle is withheld pursuant to section 9(2)(a) of the OIA, where withholding is necessary to protect the privacy of natural persons.

*C. Policy and Procedure – ‘Fit and Proper Person’ & Interim Risk Measures*

*Please provide copies of the current policies, guidance, standard operating procedures, and any internal circulars used by NZ Police / Te Tari Pūreke for:*

- *Assessing and reviewing the ‘fit and proper person’ status of licence holders under the Arms Act 1983 and associated regulations when a person is under investigation or has been charged with offences including sexual offending, violence, or possession of objectionable material;*
- *Immediate or interim measures available (e.g., temporary suspension, seizure, conditions, or expedited review) and the thresholds for their use;*
- *The roles/position titles authorised to approve suspension, revocation, or reinstatement.*

Please refer to the attached documents titled: “Compliance – Suspensions and Revocations” and “Firearm Licences”. Relevant reference material pertaining to your request is outlined below.

Compliance – Suspensions and Revocations:

- Assessing Fit and Proper status – see pages 13-22
- Measures available – see pages 28-45
- Roles and responsibilities:
  - Suspensions – at page 36 (as well as service of a suspension at page 38)
  - Revocations – at page 42
  - Reinstalment – at page 48

Firearm Licences:

- Deals with Fit and Proper, with regard to the issuing of a firearms licence at pages 12-15; and in a section at pages 31-32.

*D. Statistical Context (1 Jan 2023 – present)*

*Please provide aggregate figures (no personal identifiers) for the number of firearms licences suspended or revoked where the primary trigger involved alleged or proven offences of:*

- *Sexual offending;*
- *Possession of objectionable material;*
- *Threats or violence.*

The Firearms Safety Authority does not compile suspension and revocations records by unique offences. However, between 2017 and August 2025, there were approximately 6,190 revocations, and 6,045 licence suspensions. To identify if a licence holder was revoked due to sexual offending, possession of objectionable material, or threats or violence; would entail a manual search of each individual entry recorded in Police’s systems. Collating the information requested would require a manual search of more than 12,000 unique files, which would likely result in a significant and unreasonable impact on the Authority’s ability to carry out its other operations. Therefore, this part of your request is refused under section 18(f) of the OIA, as information requested cannot be made available without substantial collation or research.

However, to assist you, please refer to Table 1<sup>1</sup> below, which provides the number of suspensions and revocations by category under the Arms Act 1983 and Arms Regulations 1992 for between 2024 and 2025<sup>2</sup>.

**Table 1: number of suspensions and revocations by category between 2024 and 2025**

Category	Section of Act	Suspended	Revoked	TOTAL <sup>3</sup>
5F/Protection Orders	22H(b)	1	12	<b>13</b>
	24A(1)(d)(i)	20	30	<b>50</b>
	24A(1)(d)(ii)	4	0	<b>4</b>
	24A(1)(e)	132	86	<b>218</b>
Access	24(2)	3	1	<b>4</b>
	60A(1)(c)	50	19	<b>69</b>
Administrative	24(1)(a)(ii)	0	0	<b>0</b>
	Reg 15(1)	0	1	<b>1</b>
Alcohol/Drug abuse	24A(1)(i)	217	127	<b>344</b>
	24A(1)(j)	24	15	<b>39</b>
Behaviour	24A(1)(l)	2	1	<b>3</b>
Commissioned Officer	27(2)(a)	0	1	<b>1</b>
Gang affiliations	24A(1)(k)	20	18	<b>38</b>
Non-compliance	24(1)(b)	0	1	<b>1</b>
	24A(1)(g)	304	215	<b>519</b>
	24A(1)(g) – Registry	61	30	<b>91</b>
Offences	22H(a)	1	5	<b>6</b>
	24A(1)(a)	369	299	<b>668</b>
	24A(1)(b)	40	42	<b>82</b>
	24A(1)(c)	16	7	<b>23</b>
Other	24A(1)(n)	2	1	<b>3</b>

<sup>1</sup> Data contained in this report is drawn from a dynamic operational database and is subject to change as new information is recorded or updated.

<sup>2</sup> This report is based on suspension, or revocation events that are completed. This is because the reason(s) applied at this time is the final reason the licence has revoked or suspended – the reason may be changed several times prior to event closure.

<sup>3</sup> The number of reasons applied to a suspension or revocation does not equal the number of individual licence holders revoked or suspended during FY24-25. This is because there may be people with more than one reason or no reason, applied to their event.

Category	Section of Act	Suspended	Revoked	TOTAL <sup>3</sup>
	24A(2)(c)	319	208	<b>527</b>
Physical/mental illness	24A(1)(h)	349	204	<b>553</b>
<b>Total</b>		<b>1,934</b>	<b>1,323</b>	<b>3,257</b>

You have the right to ask the Ombudsman to review this decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

For your information, Police has developed a process for proactive release of information, so the anonymised response to your request may be publicly released on the New Zealand Police website.

Nāku noa, nā



Matthew Boddy  
**Director - Service Delivery**  
**Firearms Safety Authority**

## **Compliance - Revocations, etc. (Arms Act)**

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## Overview

### What

This Police Manual chapter explains Police's approach in ensuring that licence holders comply with the [Arms Act 1983](#) and [Arms Regulations 1992](#), and the steps Te Tari Pūreke - Firearms Safety Authority (a business unit of New Zealand Police) can take when licence holders do not comply or become not [fit and proper](#) to hold a firearms licence.

Compliance means meeting or exceeding the requirements of the regulatory framework that is designed to ensure:

- personal and public health and safety, including the safety of Constabulary members of Police
- security of firearms
- the responsible possession and use of firearms

Te Tari Pūreke seeks the highest possible level of voluntary compliance.

### Why

As the regulatory authority Police and its business unit, Te Tari Pūreke, is responsible for:

- ensuring the safety of our communities in relation to firearms and arms items
- ensuring licence holders comply with the [Arms Act 1983](#) and [Arms Regulations 1992](#),
- ensuring licence holder behaviour aligns with the requirements of the Arms Act (fit and proper)
- mitigating the risk of harm posed by firearms licence holders where there are grounds to believe that those licence holders are no longer fit and proper.

Police and Te Tari Pūreke expects firearm licence holders to operate safely, securely, and responsibly, knowing that:

- barriers such as a lack of awareness, or understanding, or capability may prevent some people from operating in a safe or secure, or responsible manner
- some people will make efforts in these areas only because they see risk of sanctions from Police for non-compliance
- some people will not comply at all.

Therefore, Te Tari Pūreke aims to:

- make compliance as easy as possible for those capable and who want to comply
- assist those who are trying to comply but are failing
- encourage compliance for those who are reluctant to comply, by using interventions
- use the full force of the regulatory process for those who do not want to comply or are wilfully negligent.

### How

Te Tari Pūreke will focus and tailor interventions on licence holders in line with the levels of risk, the actual or potential consequences, and the behaviour, attitude, and capability of firearms licence holders.

Te Tari Pūreke focuses on two aspects of risk:

- the magnitude of the consequences that may eventuate should an event occur
- the likelihood of that event occurring.

Te Tari Pūreke will be more likely to intervene on a licence holder where attitude and risk coincide, and the response is more likely to be at the higher end of the interventions spectrum. Where there are low risks and good attitudes Te Tari Pūreke is more likely to focus on providing information, warning, education and encouragement.

Sometimes there will be high risks irrespective of attitudes, particularly where the consequences or outcomes of an event are, or are potentially, very serious. In these instances, the nature or level of the risk may require regulatory action by Police.

Priority is on achieving these outcomes rather than commencing enforcement action against licence holders for every technical breach of relevant law.

Te Tari Pūreke aims to be consistent in its decision-making, and it is important that the intervention principles, factors for consideration and guidance in this chapter are followed. Responses will be applicable to the facts of the particular event, however, each case will be unique and there will always be a level of subjectivity in decisions.

Some breaches of the Arms Act and Arms Regulations (for example, failing to notify a change of address, or failing to provide information required for the registry) are also offences for which licence holders may be prosecuted by Police.

This chapter focuses on licence interventions and does not cover prosecution for offences, which may occur separately and in addition to licence intervention.

Te Tari Pūreke- Firearms Safety Authority manage the processes outlined under this chapter.

## **Information sources that may prompt a licence review**

Police receives information on licence holders from a variety of sources. Information that requires action against a licence is to be recorded in the NIA within the Firearms Case Management System.

Below are some possible sources of information.

### **Firearms Licence Review (FLR) and Intel Noting Report**

The 'Firearms Licence Review' report and Intel Noting Report are NIA generated reports which provides information about licence holders who have come to Police attention for a variety of matters that have been recorded in NIA.

These reports are the main source of information for the Te Tari Pūreke - Firearms Resolutions Team, who are responsible for triaging and assessing the information for risk. The reports will assist staff in determining appropriate compliance action in respect of those licence holders.

For this reason, it is important that Police interactions, incidents, occurrences, and observations with licence holders are recorded in NIA so that they appear on the FLR or Intel Noting report.

### **Firearms Event Reporting (FER)**

The Firearms Event Report (FER) sits within OnDuty, and acts as a single reporting function for any action or activity involving a firearm, for example, firearm offence, firearm seizure or surrender.

The FER can be used to create intel notings to record information (only) that involves a firearm, which will then appear on the Intel Noting Report received by the Firearms Resolutions Team.

### **Emails and phone calls received that raise concerns about a licence holder**

Emails sent by Police staff to the Firearms Resolutions Team should have an accompanying NIA entry (occurrence, intel noting etc) at the time or promptly after notifying the Firearms Resolutions Team.

Emails or phone calls of concern received directly by Te Tari Pūreke from the public should be reviewed and addressed as soon as possible.

The content of the emails or phone calls may require additional constabulary action and should be entered into NIA as an intel noting report and referred to the Firearms Resolutions Team.

Compliance and Resolutions Managers should engage with Constabulary Police (for example the relevant DCC) if required. In some cases where the risk of harm is low, it may be appropriate to ask the sender of the email to submit a report to 105 so that it can be appropriately dispatched to constabulary staff (if required).

### **Health practitioner reporting**

Since 24 December 2020, licence holders have been required to provide the name and contact details of their health practitioner when applying for a firearms licence and update that information if their health practitioner changes.

As soon as is practicable after issuing a firearms licence to a person, Police must notify the licence holder's health practitioner that a firearms licence has been issued to their patient (s24(3)). In this way most health practitioners should know which of their patients hold a firearms licence.

Under section [92\(1\)](#) if a health practitioner:

- has been attended or been consulted in respect of a person the practitioner knows (or has reason to believe) is a firearms licence holder, and
- the practitioner considers that the health condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder should not be permitted to use or possess a firearm or should only be permitted to do so subject to any limitations warranted by the health condition.

They must consider pursuant to section [92\(2\)](#) notifying Police as soon as is practicable:

- of their opinion and
- the grounds on which their opinion is based; and
- whether they believe the licence holder poses an immediate or imminent danger of self-harm or harm to others.

Under section [92\(3\)](#) if Police receives a medical report, they may require the licence holder to undergo a further medical assessment by a different health practitioner. If this occurs then the licence holder must either:

- undergo further assessment, or
- surrender their licence.

If the medical report (whether together with other information or not) satisfies Police the licence holder is not a fit and proper person to be in possession of any firearms or airgun, Police may temporarily suspend the holders firearms licence while commencing a consideration of revocation process.

If Police is not satisfied based on the medical notification the Commissioner (or his delegate) the licence holder may be required to undergo the further medical assessment.

If a licence holder refuses or fails to either undergo the further assessment, or to surrender their licence in instead, in accordance with section [92\(3\)](#), this is a breach of the Act and grounds for [temporary suspension](#) of their licence (ss 24A(1)(g) and 60A(1)).

See also: '[Health Practitioner Reporting](#)' part of the 'Arms' chapter for more detail on the process for health practitioner reporting.

## Firearms burglaries

Reports of stolen firearms or firearms burglaries will usually appear on the FLR.

These reports will be triaged by the Firearms Resolutions Team in the first instance (in relation to firearms licensing) and where significant, deliberate or repeated non-compliance with the secure storage requirements is identified a temporary suspension pending possible revocation may be considered.

Where minor non-compliance or no non-compliance is identified, the Te Tari Pūreke - Firearms Compliance Team will assess the report and contact the firearms licence holder to discuss their security and any improvements or changes that may need to be made. If there has been non-compliance, that may result in a warning letter or may be escalated back to the Firearms Resolutions Team for further investigation.

In all cases, a physical security check must be conducted after a firearms burglary.

## Disqualified persons

### Disqualified - section 22H

Under section [22H](#) of the Arms Act 1983 a person is disqualified from holding a firearms licence if:

- the person has within the previous 10 years been convicted, or released from custody after being convicted, of any of the following offences:
  - sections [16\(4\)](#), [16A](#), [44A](#), [50A](#), [50D](#), [51A](#), [53A](#), [54](#), [54A](#), [55](#), [55A](#), [55D](#), [55E](#), or [55F](#) of the Arms Act 1983
  - a specified violent offence as defined in section [4](#) of the Victims' Orders Against Violent Offenders Act 2014:
  - an offence under section [92](#), [98](#), [98A](#), [189A](#), [199](#), [202C](#), [238](#), [267\(1\)](#), [269\(1\)](#) and (3), [306](#), [308A](#) of the Crimes Act 1961
  - an offence under section [6](#), [9](#), [10](#), [11](#), [12](#), [12A](#), [12AB](#), or [12F](#) of the Misuse of Drugs Act 1975, or
- the person has, or has had within the previous 10 years, a protection order made against them pursuant to section [79](#) of the Family Violence Act 2018 or section [14](#) the Domestic Violence Act 1995.
- the person is subject to a firearms prohibition order.

Custody should be interpreted as when the person is in a custodial facility while serving the sentence of imprisonment, and ending when they are released, for example because their sentence has ended, or they have been released on parole.

Members of the Armed Forces may be charged with "civil offences" under section [74](#) of the Armed Forces Discipline Act 1971. They can be charged with committing an offence against section [74](#) of the Armed Forces Discipline Act, by doing an act (whether in New Zealand or elsewhere) which if done or committed in New Zealand, would be an offence against a New Zealand Act. If a person is convicted of an offence against section [74](#) of the Armed Forces Discipline Act because they engaged in conduct that is an offence against one of the offence provisions in section [22H](#) (for example, an offence under section 6 of the Misuse of Drugs Act 1975), that conviction will not be a disqualifying conviction for the purposes of section [22H](#). However, the proven conduct will still be highly relevant to whether the person is fit and proper to possess firearms, and should still be taken into account.

### Revocation if holder becomes disqualified

If a licence holder becomes disqualified, their licence is immediately revoked. Police should give the licence holder written notice of the revocation promptly after a disqualifying event occurs (to ensure that it can be proved that they have the requisite knowledge that they are no longer licenced to possess firearms) and their firearms and licence demanded and collected under section [28](#).

The notice is to be served on or given to the licence holder pursuant to section [72A](#).

The licence holder cannot apply for a review or appeal to the District Court in relation to this kind of

revocation ([s27B\(2\)](#)).

## Transitional provisions for people who held a firearms licence as at 24 December 2020

Clause 10 of Part 2, [Schedule 1](#) of the Arms Act 1983 clarifies that section [22H](#) does not apply to the previous convictions of a person who is an existing firearms licence holder at the date of the commencement of section [22H](#), being 24 December 2020, while that firearms licence remains current.

This means, for example, a person who had a firearms licence that was current on 24 December 2020:

- that had been issued before that date despite that person having been convicted of an offence specified in section [22H](#) in March 2020, or
- previous to 24 December 2020 (and within the previous 10 years) had a protection order made against them that is:
  - no longer current; or
  - is still current but the person has been able to apply for and obtain a firearms licence before December 2020 because:
    - they had had the weapons condition discharged from the protection order; and then
    - successfully sought and obtained a firearms licence after that

**does not** automatically have that firearms licence revoked under s 27B and [22H](#) a (as far as that existing licence is concerned) because the conviction occurred, or the protection order was made before the commencement of section 22H, or the protection order remains current (albeit with no weapons condition).

However, when applying for a new firearms licence (including a “renewal”) they will be treated in the same way as other new licence applicants, meaning that:

- If that protection order remains in force (regardless of whether the weapons condition remains or not), they will be disqualified from applying for a firearms licence because they will still “have” a protection order made against them at that time ([s22H\(b\)](#)).
- If they successfully apply to the Family Court to discharge the protection order, they will still be disqualified for 10 years from the date when the (final) protection order was originally “made”.

Also, news [22H](#) matters arising since 24 December 2020 will mean the person is disqualified and lead to automatic revocation (for a licence holder) in the usual way, for example:

- an existing licence holder, convicted of an offence specified in section [22H](#) in February 2021, or who has a protection order made against them in March 2022, is a disqualified person because the conviction occurred or the protection order was made after the commencement of section [22H](#) (24 December 2020)
- a person who is not a firearms holder as at 23 December 2020 and who was convicted of an offence specified in section [22H](#) within the last 10 years, or who has had a protection order made against them within the last 10 years is a disqualified person, regardless of whether the conviction occurred or protection order was made against them before or after the commencement of section [22H](#) (and

regardless of whether the weapons clause is removed or not).

## Fit and proper to possess firearms or airguns

Section [24](#) of the Arms Act requires Police to be satisfied that a person is a fit and proper person to possess firearms or airguns before issuing that person a firearms licence which then allows them to be in possession of a firearm or an airgun. See also Firearms Licence arms chapter for the process of issuing a firearms licence.

Section [24A](#) of the Arms Act 1983 provides detailed statutory guidance on the sorts of matters that are relevant to whether a person is fit and proper to possess firearms or airguns.

These factors are relevant considerations when assessing whether a person is or remains a fit and proper person to possess firearms or airguns. They are not an exhaustive list - section [24A\(2\)\(c\)](#) makes it clear that Police may take into account any other relevant matters considered appropriate, no matter the source of that information.

[Case law has also evolved to provide more guidance.](#)

There are additional fit and proper considerations that apply when considering whether a person is fit and proper to be issued with an endorsement for prohibited items, pistols or restricted weapons or a dealer licence and endorsements on a dealer licence. See the [Dealer arms chapter](#) and [Endorsement and Conditions arms chapter](#) for further information.

## Fit and proper considerations

The purposes of the Act are to:

- promote the safe possession and use of firearms and other weapons
- impose controls on the possession and use of firearms and other weapons.

The regulatory regime established by this Act to achieve those purposes reflects the following principles:

- that the possession and use of arms is a privilege; and
- that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

These purposes and principles must be kept at the forefront of assessment when determining a person's ongoing fit and proper status as a licence holder.

A person's fit and proper status is a crucial consideration and important express statutory criteria with regard to whether their firearms licence should be issued, suspended or revoked. For the purposes of the revocations part of this arms chapter, if a licence holder is considered not fit and proper the following should be considered:

- temporary suspension (s60A(1)) while revocation is considered under [s27C](#), or
- revocation ([s27\(2\)](#)),

Police will review a person's fit and proper status, and correspondingly the issuing or continuation of their licence when they demonstrate:

- unlawful, dangerous, violent, or unsafe behaviour, or
- non-compliance with the Act, regulations and/or licence, endorsement or permit conditions, or
- behaviour which indicates lack of judgement, or
- poor decision making.

The factors are covered under section [24A\(1\) and \(2\)](#) and may be used as possible grounds for the suspension and revocation of the firearms licence under sections [60A](#), [27C](#) and [27\(2\)\(a\)](#).

The assessment of a person's fit and proper status requires consideration of:

- the specific behaviours, offending or circumstances defined in [s24A\(1\)\(a\)-\(n\)](#) or [24A\(2\)](#) or as considered relevant that the licence holder is involved with, and then
- the severity and recency of the circumstance(s) (specific behaviours, offending listed above) individually at first, and then collectively when considered overall. One significant matter may suffice, or more less significant matters. This includes all other matters deemed relevant.

Information indicating that the person is not fit and proper need to be weighed against other information that may indicate they are fit and proper (for example, whether they have a sound knowledge of the safe possession of firearms).

In most cases, for a person to be found **not** fit and proper to be in possession of a firearm or airgun, they will have met one or more of the circumstances listed below:

#### *Section 24A(1)*

<b>Section</b>	<b>Description</b>	<b>Clarification</b>
<a href="#">24A(1)(a)</a>	the person is charged with or has been convicted of an offence in New Zealand or overseas that is punishable by a term of imprisonment (including, but not limited to, an offence involving violence, drugs, or alcohol)	To invoke this section the offence must be punishable by imprisonment  If the offence is only punishable by way of a fine, this section cannot be invoked but another applicable paragraph for example, <a href="#">24A(1)(b)</a> for a fine only Arms Act offence, or section <a href="#">24A(2)(c)</a> could be used
<a href="#">24A(1)(b)</a>	the person is charged with or has been convicted of an offence under the Arms Act 1983	If there is a breach of the regulations or other breaches of the Act that are not offences (e.g. breaches of conditions) or that did not result in charges but the conduct can be proved to the civil standard on the balance of probabilities may still be relevant under <a href="#">24A(1)(g)</a> .

<a href="#">24A(1)</a> <a href="#">(c)</a>	the person is charged with or has been convicted of an offence against- <ul style="list-style-type: none"> <li>- section <a href="#">231A</a> of the Crimes Act 1961; or</li> <li>- the <a href="#">Game Animal Council Act 2013</a>; or</li> <li>- the <a href="#">Wildlife Act 1953</a>; or</li> <li>- the <a href="#">Wild Animal Control Act 1977</a></li> </ul>	
<a href="#">24A(1)</a> <a href="#">(ca)</a>	the person has, or has had at any time, a firearms prohibition order made against them	See <a href="#">Firearms Prohibition Order</a> arms chapter
<a href="#">24A(1)</a> <a href="#">(d)</a>	the person has, or has had at any time, a temporary protection order made against them under- <ul style="list-style-type: none"> <li>- section <a href="#">79</a> of the Family Violence Act 2018; or</li> <li>- section <a href="#">14</a> of the Domestic Violence Act 1995</li> </ul>	This is for temporary protection orders. See disqualified persons for information about final protection orders
<a href="#">24A(1)</a> <a href="#">(e)</a>	the person has inflicted, or is inflicting, family violence against another person and that other person has grounds under the <a href="#">Family Violence Act 2018</a> to apply for a protection order in respect of that violence	A protection order is not required to be in place to invoke this section, but there must be grounds for a protection order to be made.
<a href="#">24A(1)</a> <a href="#">(f)</a>	the person has, or has had at any time, a restraining order made against them under the <a href="#">Harassment Act 1997</a>	

<p><a href="#">24A(1)</a> <a href="#">(g)</a></p>	<p>the person has engaged in any conduct involving non-compliance with any requirements of-</p> <ul style="list-style-type: none"> <li>- this Act; or</li> <li>- any regulations made under this Act; or</li> <li>- any conditions to which a permit, licence, or endorsement previously issued to the person under this Act was subject:</li> </ul>	<p>For example, non-compliance with Regulation <a href="#">19</a> (security requirements) or any of the general licence conditions in s 24B of the Act, or non-compliance with an improvement notice.</p>
<p><a href="#">24A(1)</a> <a href="#">(h)</a></p>	<p>the person shows, or has recently shown, symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms</p>	<p>Police must be able to demonstrate that a person’s mental or physical illness <i>may affect</i> their ability to safely possess firearms. Ideally health practitioner information would support the belief that the illness or injury may impact on their safety (or the safety of others) if they are around firearms.</p> <p>For example, a person’s actions that pose a risk due to a mental health concern may lead to temporary suspension.</p> <p>The presence of a mental health condition alone will not be enough to invoke this section if that condition is being well managed and there is no reason to think that it will adversely affect their ability to safely possess firearms.</p>
<p><a href="#">24A(1)</a> <a href="#">(i)</a></p>	<p>the person abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour</p>	<p>Police must be able to demonstrate that the abuse of alcohol or dependence is affecting the person’s judgement or behaviour.</p> <p>e.g., a licence holder who consumes a large amount of alcohol then drives a car has demonstrated that they have abused alcohol to the extent that it has affected their judgement, and their decision making is not lawful or in the interest of personal or public safety. Excess alcohol consumption may also result in fighting violent or aggressive behaviour.</p>

24A(1)(j)	the person uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour	Police must be able to demonstrate that the use of drugs is affecting the person's judgement or behaviour.  e.g., a licence holder who consumes a large amount of cannabis then drives a car has demonstrated that they have used drugs to the extent that it has affected their judgement, and their decision making is not lawful or in the interest of personal or public safety.
<a href="#">24A(1)(k)</a>	the person is a member of, or has close affiliations with, a gang or an organised criminal group	There should be evidence of gang membership or close affiliations with a gang (or organised criminal group) before using this section.
<a href="#">24A(1)(l)</a>	the person has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism	Police must be able to show that there is a pattern of this type of behaviour. A one-off comment may not be enough to invoke this section (although section 24A(2)(c) may then be relevant).
<a href="#">24A(1)(m)</a>	the person has been assessed as a risk to a State's national security:	
<a href="#">24A(1)(n)</a>	the person satisfies any criteria prescribed in regulations made under section <a href="#">74(1)(bb)</a>	For example, see Regulation 15A

Police is not limited to section [24A\(1\)](#). Under section [24A\(2\)](#) may also take into account any other relevant matters it considers appropriate when assessing fit and proper:

*Section [24A\(2\)](#) - other relevant considerations*

There are additional relevant considerations that Police may take into account when considering whether anyone (whether an applicant or an existing licence holder) is fit and proper to possess firearms or airguns specified under section [24A\(2\)](#), being:

1. whether the applicant (for a licence)-

- has a sound knowledge of the safe possession and use of firearms and
- understands the legal obligations of a holder of a firearms licence, including the endorsements that may be made on a firearms licence.

2. Any other criteria prescribed in regulations made under section [74\(1\)\(bc\)](#).

Regulation 15A was made under this provision (see below) and covers situations where it may be difficult to get reliable information about persons who have lived overseas in the previous 10 years, or there have been issues with referees.

3. any other relevant matters the member of the Police considers appropriate ([24A\(2\)\(c\)](#)).

**Note:** use of Police Infringement Bureau subsystem (PIPS) is not considered appropriate for the purpose of a fit and proper assessment and should not be used by Te Tari Pūreke staff. This system is designed for Police use in relation to Land Transport Act infringement notices. Other relevant and appropriate driving charges, convictions or incidents that resulted in a formal Police warning may be used when conducting a fit and proper assessment. See also: [Police warning types and how they apply to fit and proper assessments](#) below.

### *Regulation 15A*

Regulation [15A](#) provides further provisions for Police to find an applicant to be not fit and proper (under [s24A\(2\)\(b\)](#)) where:

- the applicant spent time outside New Zealand in the previous 10 years and Police sought information about that period to inform a decision as to whether the applicant is a fit and proper person, but Police have not received the information or have not been able to verify the information about that period provided by the applicant.
- any person named by the applicant in compliance with regulation [15\(f\)](#), [\(g\)](#), [\(h\)](#), [\(i\)](#), [\(j\)](#), or [\(k\)](#) (referees and ex-partners or spouses) is unable or unwilling to provide sufficient information to enable the Police to be satisfied that the applicant is a fit and proper person.
- Police has not been able to contact or confirm the identity of any person named by the applicant in compliance with regulation [15\(f\)](#), [\(g\)](#), [\(h\)](#), [\(i\)](#), or [\(j\)](#) who resides overseas, or the person will not agree to an interview.

Section [24A\(3\)](#) allows for Police to seek and receive any information it thinks appropriate and consider information obtained from any source in determining whether a person is fit and proper.

## **Police warning types and how they apply to fit and proper assessments**

### **Police Formal Warnings**

A formal warning is a lawful alternative to prosecution when certain requirements are met.

A formal warning can be issued from a scene or at a Police station, after consideration has been given to the weight of evidence that supports evidential sufficiency requirements, and the public interest regarding prosecution.

The offender must admit responsibility for the offending, and the offender must provide informed consent to take part in a formal warning process. The officer must document the evidence that meets the elements of the offending when reporting the case. Approval from a supervisor must also be obtained and recorded.

For more information on Police Formal Warnings, see the ['Formal warnings'](#) chapter.

### **In the firearms licence regulatory context**

Where a formal warning is used to resolve an offence, Te Tari Pūreke may review it as part of a holistic approach to determining whether a person is fit and proper. The single incident and formal warning may result in:

- no further action
- an educational approach explaining how coming to Police attention can prompt a review of their firearms licence
- a warning letter outlining the specific behaviour in the incident is not consistent with the criteria of a fit and proper person, and that further incidents may result in further action taken against their firearms licence.

It is unlikely that a single formal warning would lead to a suspension, revocation or refusal unless the incident was part of a pattern of criminal behaviour or escalating poor behaviour or if the incident was seriously violent, part of ongoing family harm issues or presented a significant risk to public safety.

### **Written Traffic Warnings (WTW)**

WTWs are issued for generally minor offending of a technical or regulatory nature.

In terms of seriousness, WTW sit between verbal warnings and infringement notices with charging (for traffic) and arrest at the highest end.

WTWs can only be issued when the person has not received previous enforcement action and has accepted fault.

WTWs may not be appropriate if the offence has caused or aggravated trauma (i.e. RIDS offences - Restraints, Impairment, Distraction or Speed) or where there are emerging risk or significant safety risks.

### **In the firearms licence regulatory context**

Occurrence or incidents that result in WTWs can be reviewed by staff as part of Te Tari Pūreke ongoing eligibility scanning. They may be used to guide a fit and proper assessment, especially where there has also been an escalation of criminality or violence over a prolonged period.

However, they cannot be used as a sole basis to revoke or warn a firearms licence holder nor used to get a revocation “over the line” where the revocation grounds have not already been met.

They must be considered tentatively as they are the result of an interaction only (and not a full

investigation/charge), and the facts can be easily disputed. For example, the identification of the individual may have been incorrect, or the individual may not have admitted to any offence.

For licence holders who do not meet the threshold for revocation, but may have received a WTW during an incident, an educational approach can be considered when appropriate instead.

## Verbal warnings

Often in occurrences there will be mention where frontline have attended an incident and have spoken to a suspect / offender for an incident and 'given guidance' or 'warned about behaviour'.

Unlike formal warnings:

- there may be no admittance of guilt by the suspect/offender
- the identification of the individual could be incorrect
- the interaction and incident could be easily disputed.

### In the firearms licence regulatory context

Occurrence or incidents that result in verbal warnings can be reviewed by staff as part of Te Tari Pūreke ongoing eligibility scanning. They may be used to guide a fit and proper assessment, especially where there has also been an escalation of criminality or violence, or if it is within the family harm context.

However, they cannot be used as a sole basis to revoke or warn a firearms licence holder nor used to get a revocation "over the line" where the revocation grounds have not already been met.

They must be considered tentatively as they are the result of an interaction only (and not a full investigation/charge), and the facts can be easily disputed. For example, the identification of the individual being verbally warned may have been incorrect, or the individual may not have admitted to any offence.

For licence holders who do not meet the threshold for revocation but may have received a verbal warning during an incident, an educational approach can be considered when appropriate instead.

## Police Safety Orders

Under section [40](#) of the Family Violence Act 2018 a person's firearms licence is suspended while a Police Safety Order that been issued is in force.

Under section [37](#) of the Family Violence Act 2018 the bound person must immediately surrender to a constable their firearms licence and any weapons in their possession or under their control.

'Weapon' is defined in the Family Violence Act 2018 as any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive, as those terms are defined in the [Arms Act 1983](#).

A Police Safety Order is only in force for a limited period. During this period the Firearms Resolutions

Team should assess whether the bound person is a fit and proper person to possess a firearm or airgun (s24A). A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be issued.

## Protection Orders

Protection orders issued under the Family Violence Act may be:

1. Temporary - these orders are time limited and issued if an application is made and granted without prior notice to the respondent; or
2. Final - if there is no opposition following a temporary order issuing or an application being made on notice, or following a hearing where a Judge decides to issue one.

Section 176 of the Family Violence Act 2018 requires that when Police receives a copy of a temporary or final protection order under section 174(2) of that Act it must immediately establish if the respondent and any associated respondent named in the order holds a firearms licence.

It is a standard condition of every protection order (s98) that a respondent must:

- not possess or have under their control any weapon (which includes a firearm), and
- not hold a firearms licence, and
- surrender to a constable on demand any weapon and firearms licence in their possession or control.

See further information below about removal of the weapons condition and disqualification under the Arms Act.

### Temporary protection orders

If the order is a temporary protection order, the Firearms Resolutions Team will ascertain whether the respondent is a fit and proper person to possess a firearm or airgun under the Arms Act, noting that there may be other fit and proper issues in addition to the temporary protection order. A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be considered.

If the licence has not been temporarily suspended under the Arms Act, the firearms licence will remain suspended whilst the temporary protection order is in force. (s99(1)(a) of the Family Violence Act). If temporary protection order is then discharged, the licence and arms items must be returned to the person as there is no longer a suspension in force.

### Final protection orders

A firearms licence is deemed to be revoked when a final protection order is in force (s99(1)(b) and 163 Family Violence Act). The licence holder also becomes disqualified under section 22H of the Arms Act.

Where a firearms licence holder becomes the respondent of a final protection order, the Firearms Resolutions Team will issue the respondent a written Notice of Revocation of Firearms Licence and

ensure the holder's firearm licence and any firearm in their possession or control is or has been surrendered. The revocation has effect as if the firearms licence had been revoked under the Arms Act 1983 (and cannot be appealed- section 163(4)(b) Family Violence Act).

Note that the standard weapons condition of the Protection order can be removed or changed by the Family Court under section [157](#) of the Family Violence Act. If the weapons condition has been discharged or modified and the respondent applies for a firearms licence:

1. the Police employee considering that application is not obliged to issue the firearms licence (s[157](#) (6) of the Family Violence Act).
2. Section 22H of the Arms Act must be considered - the person will be disqualified if there is still a protection order in force (or it has been discharged but was made within the previous 10 years) and therefore they cannot hold a firearms licence.

Section [164](#) deals with the retention, return, and disposal of weapons obtained under the Family Violence Act 2018.

Sections [98](#) to [102](#) and [158](#) to [164](#) of the Family Violence Act 2018 do not limit or affect any provisions of the Arms Act 1983 that authorise or permit the revocation of a firearms licence or the seizure of any weapon.

See also: Police Safety Orders

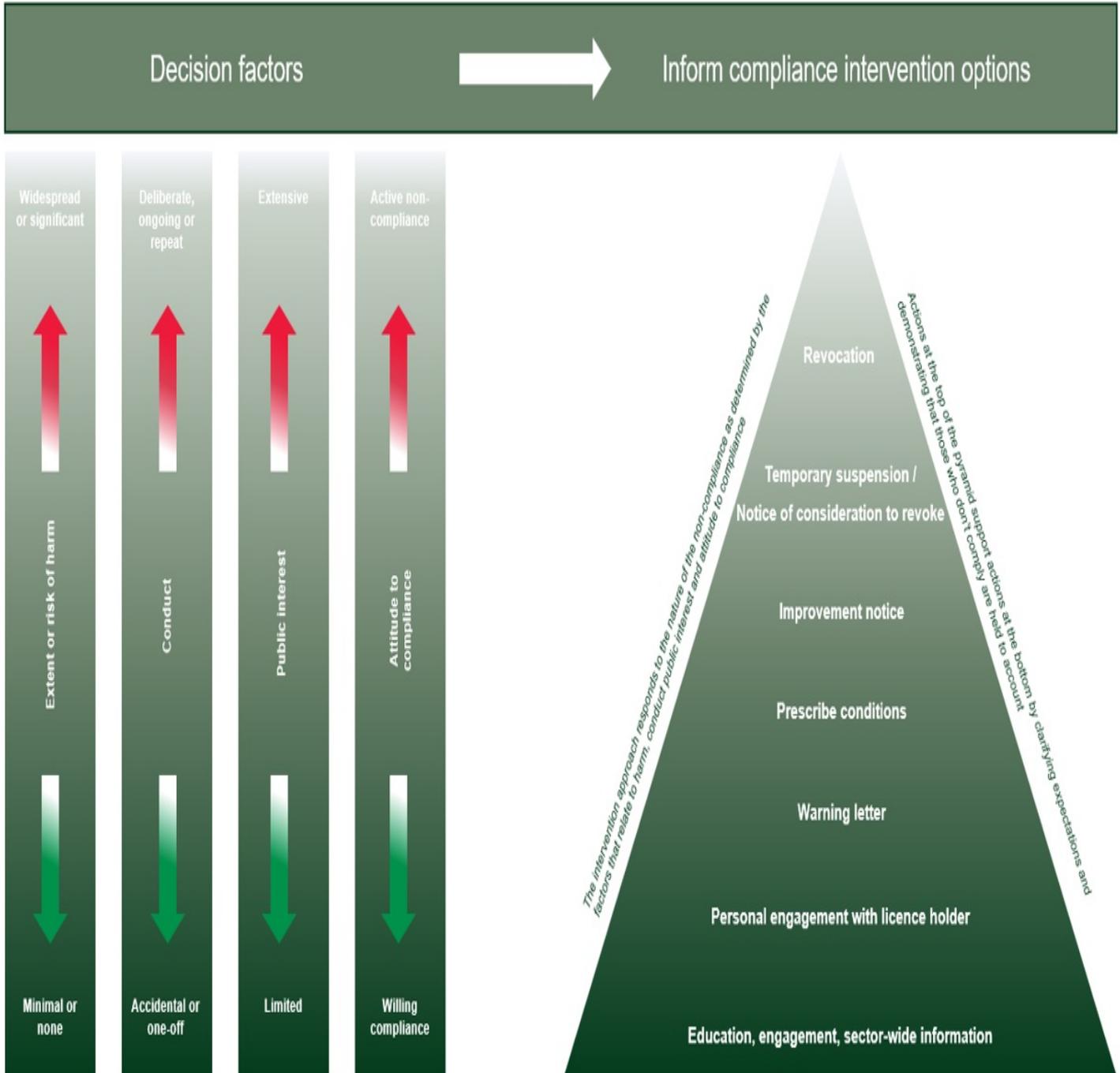
## **Next steps after a licence holder has met one or more of the considerations set out under section 24A**

Meeting one or more of the considerations set out under section [24A\(1\)](#) or 24A(2) is the first stage in the assessment of a person's fit and proper status. Falling into one of the categories listed above does not, alone, prescribe that a person is no longer fit and proper and further assessment must be made. The subsequent stage of the fit and proper assessment continues in [Intervention Principles](#).

# Intervention principles

Below are the intervention principles that should be considered when assessing whether a person is fit and proper.

## Intervention principles model



## Decision-making on compliance interventions

Decisions regarding interventions will take into account the attitude towards compliance and be:

- logical, timely and considered
- evidence-based

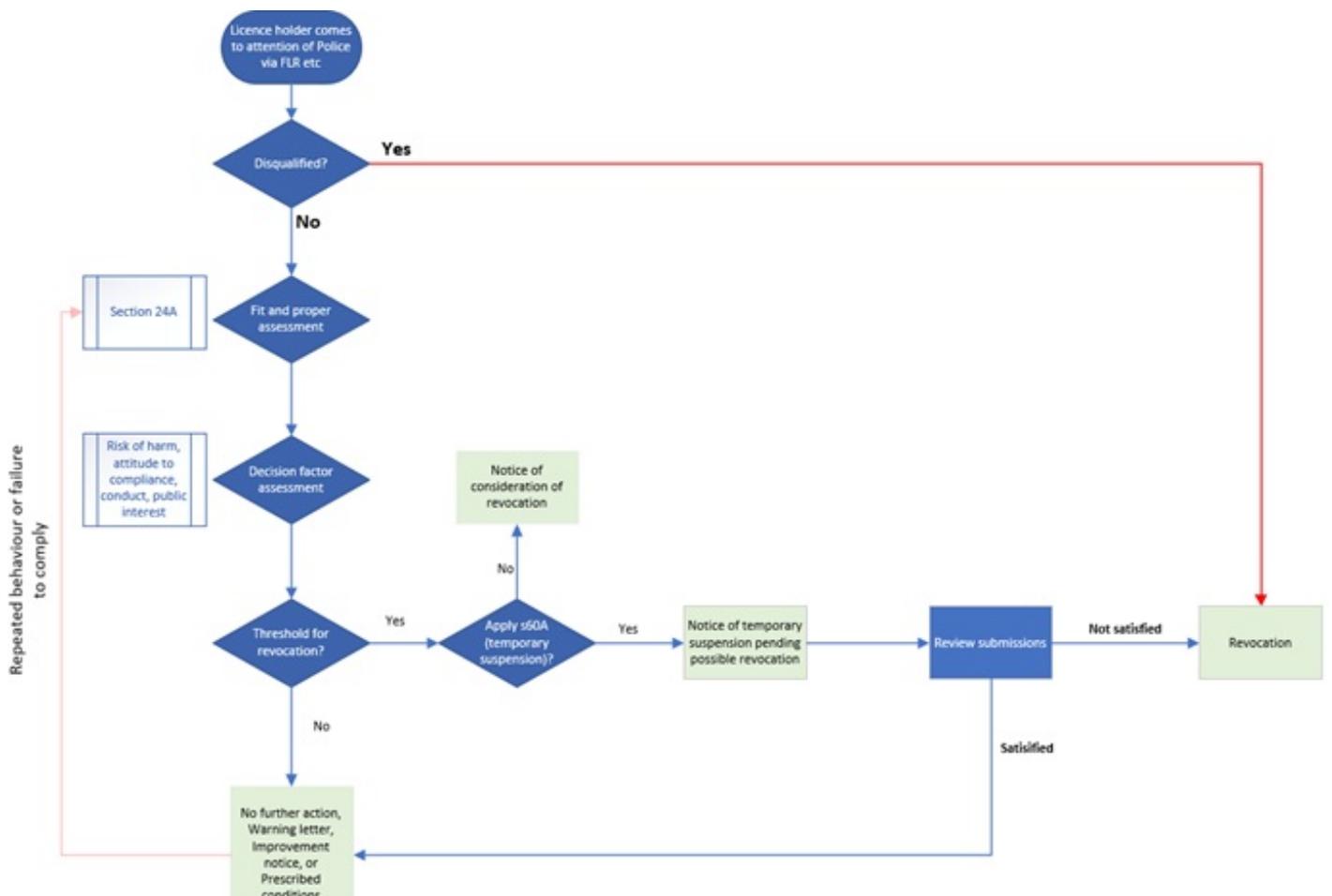
- made impartially and without fear, favour, bias, prejudice, or improper motive
- sufficiently robust and well documented, to withstand judicial review
- proportionate to the risk posed by the non-compliant behaviour
- consistent with the law, the public interest and Police policies and values.

The range of interventions available enables Te Tari Pūreke to:

- provide information and educational material
- issue warning letters
- issue an improvement notice requiring corrective action if the licence holder is failing, has failed or likely to fail to comply with a provision of the Arms Act 1983, or regulations made under that Act, or any conditions on a licence, an endorsement, or a permit
- prescribe conditions on a dealer’s or firearms licence
- issue a notice of temporary suspension or notice of consideration of revocation of a firearms licence
- revoke a firearms or dealer’s licence, or an endorsement.

Te Tari Pūreke will determine the appropriate interventions/s based on consideration or risk, attitude, behaviour, and capability in conjunction with section [24A](#), however, each case will be unique and there will always be a level of subjectivity in decisions.

### Intervention decision flow model



The Intervention Decision Flow has been designed to provide guidance on the appropriate intervention tools.

## Factors for consideration

If a person fits one or more of the criteria under section 24A the next step is to assess the following factors and anything of relevance:

- Seriousness of that failure
  - type of conduct (for example consider maximum penalty of relevant offence if an offence is involved, risk to safety)
  - specific conduct alleged
  - risk of harm
- Circumstance surrounding the offending
  - recency
  - assessment of all information available, e.g. health practitioner's report,
  - other mitigating or aggravating circumstances around offending / behaviour
- Totality of behaviour
  - multiple incidents / breaches
  - history of compliance / non-compliance - escalation in offending / harmful behaviour
  - risk of harm
  - historical behaviour that Police were aware of previously (but perhaps previously formed the belief that the person had rehabilitated or was at low risk of future breach) can be brought back into consideration.

In addition, if the person has been charged with an offence (and the criminal case not yet concluded), when deciding what action, if any, should be taken prior to the case concluding, factors including the following should be considered:

1. How long ago the alleged conduct occurred.
2. Any other known conduct by the person.
3. If known, the nature of the evidence supporting the charges (for example, CCTV footage, evidence of injuries, witnesses available).

Each case will have its own set of specific and unique circumstances meaning that the decision maker will need to identify the applicability of relevant factors and what weighting to give to them on a case-by-case basis.

The final consideration in the fit and proper assessment requires a review the totality of the specific behaviour / offending by the licence holder, in the context of the purposes and principles of the Act, in order to reach a fair and justifiable decision.

The specific factors for consideration are set out below. Application of these factors requires expertise and experience to be applied in the process of weighing up which intervention tool might be most

applicable.

## **Extent of harm or risk of harm**

This includes the danger of self-harm or harm to others. Actions that create risks but do not actually lead to harm occurring can still be serious and require a firm response.

Assessment of the likelihood or risk that the behaviour will cause harm or the risk of harm includes the following factors:

- minimal or no harm or risk of harm
- harm is, or would likely be, easily mitigated
- significant or widespread harm or potential for such harm
- harm is actually or potentially caused to members of the community.

## **Conduct**

Conduct in this context means the behaviours, intent, and capability of the licence holder whose actions are being considered.

Assessment of conduct includes the following factors:

- it is first-time or one-off behaviour that is less serious or unlikely to be repeated
- the conduct is accidental or resulted from momentary carelessness or the result of a limited understanding of the law (where that is not inconsistent with the expectations of someone holding a firearms licence)
- mitigating factors exist
- the behaviour is deliberate, more serious, repeated, reckless or involving consistent carelessness or involving disregard for applicable laws (including overseas legislations)
- aggravating factors exist.

## **Public interest**

Public interest can be described as something being in the interest of the wider public or of public importance. It is more than simply interest from the public or expectation from the public of action. Considerations include whether the event reflects a widespread problem that can be usefully addressed by highlighting the need for compliance.

Assessment of public interest includes the following factors:

- the conduct occurred some time ago and has ceased
- a decision not to act would undermine public confidence in Police as a regulatory authority
- enforcement action is necessary to deter others from similar conduct.

## **Attitude to compliance**

When assessing the licence holders' history of non-compliance, Police should consider:

- **the seriousness / frequency of any previous failures** - the specific conduct alleged, where the person has been charged, the maximum penalty of the offence charged (and if convicted the penalty imposed)
- **recency** - how long ago the offending / alleged conduct occurred, for convictions how long ago was the conviction entered, has the licence holder undertaken any relevant rehabilitative or training activity since then.

Typically, the nature of the response will be informed by, and tailored to, the attitude of the licence holder involved towards compliance. This helps ensure that the intervention(s) chosen will have the desired effect. It does not however prevent significant action being taken for other reasons, even when attitude is acceptable.

Assessment of the attitude to compliance includes the following factors:

- licence holder is willing and able to comply
- licence holder is willing but not able to comply
- licence holder is unwilling to comply
- licence holder is actively and intentionally non-compliant.

## Intervention options

### No further action

Should Te Tari Pūreke decide that the licence holder meets the fit and proper assessment, or Te Tari Pūreke decides not to take any compliance action on the firearms licence, a record of the assessment is still required to be entered in NIA.

Where no further action is taken after a consideration of revocation, the reason why should be documented in NIA by way of notice to the licence holder.

### Firearms licensing warning letter

In most situations where concerning behaviour is considered relevant to whether a person remains a fit and proper person to possess firearms and airguns, but (so far) short of the threshold to revoke or suspend the licence, a firearms licensing warning letter should be sent to the firearm licence holder advising them that their behaviour relating to a specific event is inconsistent with being a fit and proper person ([s24A](#)).

A warning letter should not be issued when revocation of a person's firearms licence is being considered or if the licence holder's licence is no longer current (e.g. expired, surrendered).

The warning letter should:

- describe the behaviour of concern that has given rise to the warning
- advise the fit and proper criteria from section [24A](#) that the behaviour is inconsistent with
- provide the reason the behaviour is inconsistent with the fit and proper criteria
- provide advice that any future events which give rise to further consideration of the licence holder's fit and proper status may lead Police to consider revocation of the firearms licence
- advise that the event is resulting in the issuing of the warning letter.

A warning letter should be sent to the licence holder after Te Tari Pūreke learns of the behaviour of concern and has decided that a warning is sufficient. A phone call should be made to the licence holder to advise them that they will be receiving a warning letter and explain the reasons why, as part of the engagement and education regulatory approach.

Te Tari Pūreke should record the issuing of the warning letter (and attach a copy of the letter) in the licence holder's Firearms Case Management System event along with information about how and when the letter was sent to the licence holder. This record will remain an item of information held by Police that could be relevant in the future.

### Improvement Notice

An improvement notice can only be issued under section [60](#) if the holder of a firearms or dealer's licence, or an ammunition seller is failing, has failed, or is likely to fail to comply with the Arms Act, regulations

made under the Act any condition on a licence, an endorsement, or a permit.

A tangible and measurable improvement is required to remedy the failure or prevent a failure from occurring, within a specific period of time in order for an improvement notice to be used.

For example, it is a condition of every firearms licence that the holder has security on their premises (regulation [19\(2\)\(a\)](#)). If the licence holder has moved address and not installed a cabinet or other appropriate security at their new address, they could be required to do that by a particular date after which Police could visit to inspect and check the installation.

Licensed dealers are required to record details of certain items received, manufactured and delivered in a dealer book (section [12](#) and regulation [7](#)) and ammunition sellers are required to keep records of ammunition sales (section [22E](#)). If there is some relatively minor failing in the dealer's or ammunition seller's records that requires rectification, that could be required by issuing an improvement notice that sets out the required amendment and a time frame within which to be achieved, and then compliance checked by checking the record.

In comparison, section [24B\(1\)\(a\)](#) contains a licence condition that when using a firearm, the licence holder must act in a way that does not pose a risk to themselves or others. If a licence holder breaches this condition by unsafe practices and accidentally injures another person, it is unlikely that an improvement notice will be a sufficient remedy or that specific and measurable improvement action will be able to be identified.

## Content of the notice

The improvement notice must:

- state the applicable provision or provisions (within the Arms Act or regulations made under it), or condition or conditions the licence holder or ammunition seller is failing, has failed, or is likely to fail to comply with and is required to remedy or prevent from occurring, and
- state the date by which the licence holder or ammunition seller is required to remedy the failure or prevent the failure from occurring.

It should also explain the incident or concern that led to the improvement notice so that the licence holder has the full context.

The length of time given to the licence holder or ammunition seller to remedy the failure or prevent the failure from occurring should be reasonable and is dependent on the circumstances of the event, i.e. the severity of the failure or likelihood of the failure occurring.

## Issuing improvement notices

Improvement notices will be issued and managed by the Firearms Compliance Team and staff wanting to raise matters for consideration for the issue of an improvement notice should contact

[firearmscompliance@police.govt.nz](mailto:firearmscompliance@police.govt.nz).

## Service of the notice

Improvement notices must be in writing and sent to the licence holder, dealer or ammunition seller by post or electronic means to their last known address ([s60\(3\)](#)). Ideally, the licence holder should first be phoned by the Police member to discuss the concerns and explain that an improvement notice will be issued and the phone call used as an education opportunity. The notice should be issued soon after the identification of the failure or the likely failure.

## Extension of time

Te Tari Pūreke may extend the time within which the licence holder, dealer or ammunition seller is required to remedy the failure or prevent the failure from occurring ([s60\(3\)](#)). If a decision is made to extend the time for compliance this extension should be confirmed in writing (to avoid any misunderstanding) by being recorded in an amended improvement notice issued to the licence holder, dealer, or ammunition seller.

## Failure to comply

Failure by a holder of a firearms or dealer's licence to comply with an improvement notice may result in temporarily suspending the licence ([s60A\(1\)\(a\)\(iii\)](#)) while revocation is considered.

## NIA record keeping

Staff need to record the issuing of the improvement notice in, and attach a copy of the notice to, the licence holder's Firearms Case Management System event along with information about how and when the notice was sent to the licence holder. This record will remain an item of information held by Police that could be relevant in the future. The significance of the prior issue of an improvement notice to a licence holder diminishes over time if there are no further Arms Act breaches or behaviours of concern.

## Conditions on a licence

Regulation [28D](#) of the Arms Regulations 1992 permits the Commissioner (or their delegate) to impose conditions ("prescribed conditions") on:

- a firearms licence, or
- dealer's licence, or
- a permit, or
- an endorsement.

See: Commissioner's [statutory delegations](#).

There will be some occasions where it may be appropriate to impose prescribed conditions upon a licence, endorsement or permit for a short period of time, if the conditions will sufficiently mitigate a risk identified or address a specific situation appropriately. However, prescribed conditions must not readily be used to circumvent or override the current provisions or regulations under the Arms Act 1983 or Arms Regulations 1992, nor should they be used to allow a person who is not fit and proper to retain their

firearms licence and access to firearms.

For conditions to be an effective tool and also to be able to later prove that the person was made aware of those conditions, Police needs to provide written notice to the licence holder, ammunition seller, or dealer of any condition imposed on the holder's licence, permit or endorsement.

Failure by the licence holder to comply with any condition imposed by Police may result in other compliance intervention.

## Routes to revocation

A firearms licence may be revoked by three routes under the Arms Act:

1. Under section 27B, automatically on disqualification - this process can only be used when the person becomes disqualified under by meeting one of the grounds under section 22H. The licence holder does not get prior notice or an opportunity to make submissions, and they cannot have the decision reviewed or appeal it to the District Court.
2. Under section 27C, following a temporary suspension - the licence holder's licence will first be temporarily suspended under section 60A, meaning the person is treated as unlicensed for the suspension period. When serving the suspension notice Police can require the person to surrender their arms items, ammunition and firearms licence while revocation is being considered. This ensures that those items will not be inappropriately used or transferred once the person becomes aware of the Police concerns.
3. Under section 27, with prior notice and the opportunity to make submissions - caselaw on this process requires Police to follow natural justice processes and give the affected person:
  1. Prior notice that revocation is being considered, the reasons for that, and information relied on; and
  2. A reasonable opportunity to provide information or submissions in response.

before making a final decision. If this route is utilised, the person's licence remains current while revocation is being considered and can continue to lawfully possess arms items and ammunition. Accordingly, this route will not usually be preferable from a safety perspective. However, it may be suitable if the person's access to firearms is dealt with by some other mechanism for the period that it will take to make and give notice of the revocation decision.

In most cases where the person is not fit and proper to possess firearms or airguns (but not disqualified), the licence should be temporarily suspended while revocation is considered. This process was designed to ensure that the firearms are not improperly used or disposed of by the licence holder during the suspension and instead surrendered to Police under section [60B\(2\)](#) and held securely while revocation is considered.

There may be cases when revocation with prior notice (notice of consideration of revocation) rather than temporary suspension might be considered, but these would be less common. For example, even in cases where it is known that the person does not possess firearms and is subject to bail conditions or a protection order preventing them from obtaining firearms, it should be remembered that bail conditions may be reviewed and changed at short notice, and protection orders and conditions can be changed and varied without prior Police knowledge.

## Notice of consideration of revocation (on notice, with no temporary suspension)

Police can revoke a firearms licence pursuant to section [27\(2\)](#). This process is initiated by a commissioned officer within Te Tari Pūreke, writing to the licence holder giving them notice that revocation is being considered.

Natural justice principles and case law require that Police:

- discloses to the licence holder the adverse information relied upon when making the decision to consider revoking the firearms licence, and
- provides the licence holder a reasonable opportunity to explain or refute the information.

The notice needs to contain the grounds stated in section [27\(2\)](#) and (where applicable) section [24A](#) that Police is relying upon when considering revoking the licence, and the information relied on to support those grounds.

### Service of the notice

The notice is considered served on or given to the licence holder if it is ([s72A](#)):

- delivered in person to the licence holder (if the person refuses to accept/take it, the notice can be put down on the ground near them and brought to their attention), or
- left at the licence holder's usual or last known residential or business address, or
- left at an address specified by the licence holder for the purpose an application made under the Arms Act, or
- posted in a letter to the licence holder to their last known residential or business address or address specified by the licence holder for the purpose of an application made under the Arms Act.
- transmitted to an electronic address that the person has provided as an address for service.

A notice of consideration of revocation (on notice with no prior temporary suspension), will most likely be posted to the licence holder, or emailed if they have consented to receiving their notice via email, as it would have been identified that there is no requirement to uplift any arms items of ammunition. See also 'Changes in circumstances after notice was given meaning firearms need to be uplifted' below.

If the notice is served in person on the licence holder a statement of service should be completed. The statement of service document should be scanned and attached to the licence holder's Firearms Case Management System event.

Details of any other method of service of the notice should be recorded in the licence holder's Firearms Case Management System event.

### Period allowed for receipt of submissions

The licence holder should be given a reasonable time within which to make any oral or written submissions. 28 days is standard practice, but usually no less than 14 days.

## Oral or written submissions

Written submissions via email (or post) are the most efficient submission method and the majority of licence holders opt for this method.

Oral submissions may be arranged at the request of a licence holder.

There is no requirement that the decision maker must be the person who hears the oral submissions from the licence holder. In the event another Police employee hears the oral submissions they must provide a detailed and fair report to the commissioned officer of the submissions made.

Written submissions and oral submissions (or records of oral submissions) must be reviewed and considered by the decision maker prior to the officer making the decision on revocation.

In the absence of either oral or written submission being made by the licence holder the decision maker may proceed to make a decision on the revocation.

## Changes in circumstances after notice was given meaning firearms and ammunition need to be uplifted

If Police decides to consider revocation on notice (as opposed to temporary suspension and requiring surrender of the licence and arms items) but the situation changes and the risks from the licence holder continuing to possess firearms increase, consideration should be given to:

- temporarily suspending the licence while revocation is considered (and requiring surrender of the firearms and licence); or
- exercising powers under the Search and Surveillance Act 2012 by obtaining a search warrant (assuming there are reasonable grounds to suspect an offence or where there are exceptional, rapidly evolving circumstances, and the need for an urgent response, and it is not feasible to obtain a search warrant) by exercising warrantless powers under section 18 Search and Surveillance Act 2012 and *Smith v Police* [2019] NZHC 2371.

## Notice of Temporary suspension pending possible revocation

Under section [60A\(1\)](#) Police may issue a notice of temporary suspension pending possible revocation of licence to:

- the holder of a firearms licence who Police is satisfied is not a fit and proper person to be in possession of a firearm or airgun, which includes (but is not limited to) a case where:
  - the holder has failed or refused to secure any arms items or ammunition in the person's possession in accordance with regulations made under the Act; or
  - the holder has failed to comply with any conditions imposed on their licence; or
  - the holder has failed to comply with an improvement notice issued under section 60; or
  - the member of Police is so satisfied on the basis of a notice given under section 92 by a health practitioner; or
  - the licence has been seized under section 18 of the [Search and Surveillance Act 2012](#);

- the holder of a dealer's licence who Police considers is not a fit and proper person to hold a dealer's licence, or
- the holder of a firearms licence or a dealer licence if Police believes access to that person's firearm or airgun is reasonably likely to be obtained by:
  - a person whose firearms licence application has been refused; or
  - a person whose firearms licence has been revoked; or
  - a person who in the opinion of a member of Police, is not a fit and proper person to be in possession of a firearm or airgun or ammunition; or
  - a person whose firearm licence has been temporarily suspended.

## **What does “reasonably likely” mean with respect to access?**

It is not possible to provide an exhaustive list of examples where access would be considered reasonably likely as each case will have its own unique circumstances or factors. This guidance is intended to assist decision makers during their assessments.

“Reasonably likely” means a real risk, but not necessarily a probability, that a person holding the firearms licence, is practically unable to prevent unauthorised access to the firearm, due to a failure to exercise adequate control over the firearm.

The practical inability may arise from a power imbalance (for example, if the firearms holder is a child living with their unlicensed parent) or coercion/influence from criminal third parties or an intimate partner.

Physical proximity between the unlicensed party and the firearm tends to increase the reasonable likelihood that the unlicensed party will have access to the firearm.

New Zealand matters that inform this interpretation include:

*Helming v Police [2020]* - Helming (H) had a gang member (M) living with him, who was dishonest with H about his previous interaction with Police. The court found it reasonably likely that M would gain access to H's firearms as H did not take adequate measures to deny access.

- *Constable v Police [2022]* - an example of a spouse (who is not fit and proper) exercising control. Constable (C) had their firearms licence application refused. His wife was also a licence holder, and it was found she had an inadequate understanding of what firearms and ammunition were in her possession and inadequate control over who had access.
- The court found she did not have proper control as husband had more knowledge of the firearms in the safe (and other things) and concluded that the wife did not exercise proper control over the firearms.
- *Stedman v Police [2022]* - Stedman's licence was revoked due to his firearm not being stored securely (kept under a blanket). His son, who was living with him and who had mental health issues, accessed the firearm and shot himself.

An Australian matter discussing a similar meaning provides further insight:

Dept of Agriculture and Rural Affairs v Binnie [1989] VR 836, 842, as referred to in USTLII - [2019]

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*Reasonable likelihood is a chance of an event occurring or not occurring which is real - not fanciful or remote. It does not refer to a change which is more likely than not to occur, that is, one which is “odds on” or where between nil and certainty it should be placed. A chance which in common parlance is described as ‘reasonable’ is one that is ‘fair’, ‘sufficient’ or ‘worth noting’.*

*The word likelihood in reasonable likelihood was held to infer a standard which is less definite than probable.*

## **Temporary suspension during the application process for a “renewal”**

As a result of section 22 of the Arms Act 1983, licence holders who apply for a new licence before the expiry of their existing licence are treated as current licence holders whilst their application is processed. In the event a licence holder comes to Police attention during their “renewal” and the risk is such that they should be temporarily suspended, the temporary suspension process should be followed.

See also [Revocation during the application process for a “renewal”](#) below.

## **Certain members of Police can authorise and sign the temporary suspension notice**

For the purposes of regulation [28ZG](#) the Commissioner has directed that only certain members of Police may make decisions to temporarily suspend a licence under section 60A. Currently, members of the Firearms Resolutions Team at manager level or above may temporarily suspend a licence pending possible revocation.

## **Content of the notice**

The notice must state ([s60A\(2\)](#)):

- the ground or grounds on which the notice is given, and
- the licence that the notice applies to, and
- that if the licence holder holds a dealer’s licence their dealer’s licence will also be suspended while their firearms licence is suspended, and
- the date on which the suspension begins, and
- that the suspension is to enable Police to consider revoking the firearms licence on the grounds contained within the notice, and
- that the licence holder may at any time before a day stated in the notice make oral or written submissions on whether the licence should be revoked on that ground, and
- that the suspension lasts until notice of the decision as to whether to revoke the licence is given to the holder but, if the notice is not given within 90 days after the suspension takes effect, the suspension ends with the close of that 90-day period, and
- that the effect of the notice is that the licence holder is treated as not holding the relevant licence

until a final determination on revocation of the licence is made, and

- that the holder may commit an offence if they carry on any activities that require them to be licensed under the Act, and
- that the licence holder may be required immediately or before a date specified by Police to surrender to Police their firearms licence, firearms and ammunition in their possession or under their control ([s60B\(2\)](#)).

Police must ensure that the ground or grounds stated in the notice of temporary suspension are drawn from section [60A\(1\)](#) and linked to considerations from other parts of the Act, such as section [24A](#) (fit and proper), and matters listed in (i) to (v) such as security failings, failure to comply with conditions or an improvements notice etc..).

A subsequent revocation under section [27C](#) following a temporary suspension must be on the grounds stated in the original notice. If revocation is not justifiable on the grounds set out in the original suspension notice, but further matters of concern are identified, a further suspension notice may need to be issued.

## **Effect of temporary suspension of firearms licence**

During the period the firearms licence is suspended the firearms licence holder is treated as not being licensed to possess any arms item or ammunition under the licence or any endorsement on it ([s60B\(1\)](#)).

While the licence is suspended, Police may require the firearms licence holder to immediately deliver on demand:

- their firearms licence, and
- every firearm and all ammunition in their possession or control ([s60B\(2\)](#)).

If suspension is warranted, it will generally be best practice to require the immediate surrender of the firearms licence, arms items, and ammunition.

If the suspended firearms licence holder holds a dealer's licence, and their firearms licence has been suspended, their dealer's licence is suspended for the same period also ([s60B\(4\)](#) and see also [s60C](#) for effect of temporary suspension of dealer's licence).

## **Requests to voluntarily surrender (give up) a firearms licence under section 27(1) during temporary suspension**

Section 27(1) of the Arms Act enables a licence holder to surrender (give up) their licence at any time. If the person surrenders their licence in this way, they are no longer licensed to possess arms items or ammunition ([s 28\(2\)](#)).

When a licence has been temporarily suspended under section [60A\(1\)](#) (pending consideration of revocation), the affected person cannot unilaterally surrender their licence under [s 27\(1\)](#). People whose licence has been suspended may want to surrender the licence under [s 27\(1\)](#) in an effort to:

- circumvent the 5 years stand down period that would follow revocation (s 23(1)(b)), and
- to try to preserve to themselves the ability to shoot under immediate supervision (the defence of shooting under supervision is not available to an offence of possessing a firearm when revoked).

Accordingly, any requests to surrender a licence under s 27(1) while that licence is temporarily suspended under s 60A will be subject to consideration by Police and will be considered to be of no effect if the decision maker does not agree to accept the offer to surrender the licence.

In some cases, the decision maker may use their discretion and decide that it is appropriate to accept the licence holder's request to surrender whilst their licence is suspended. This will be limited to exceptional circumstances, such as licence holders undergoing treatment for a mental health concern that will take longer than the 90 days suspension period to remedy and where there is information to indicate those concerns are likely to be addressed/dealt with relatively quickly (e.g., within 12 months).

## Service of the notice

The notice is served on or given to the licence holder if it is (s72A):

- delivered to that person (if the person refuses to accept/take it, the notice can be put down on the ground near them and brought to their attention), or
- left at the licence holders usual or last known residential or business address, or
- at an address specified by the licence holder, or
- posted in a letter to the licence holder to their last known residential or business address or address specified by the licence holder.
- transmitted to an electronic address that the person has provided as an address for service or;
- made available to that person electronically through the registry, so long as an email is sent to an address supplied by the person to tell them that the notice or other document has been made available and the person has agreed to receive notices or documents in that way.

As the suspended licence holder is likely to be in possession of their licence card, firearms and other arms items, the standard practice for service of a Notice of Temporary Suspension is to request an appropriate Constabulary staff to serve the notice and [uplift any arms items](#) and the licence card.

If the notice is served in person on the licence holder a statement of service should be completed on the reverse by the serving member and emailed to the Firearms Resolutions Team. The statement of service document should be scanned and attached to the licence holder's Firearms Case Management System event.

Details of any other method of service of the notice should be recorded in the licence holder's Firearms Case Management System event.

Where the licence card or arms items have already been seized, or it has already been confirmed that the licence holder is not in possession of these items, a decision may be made to post the Notice of Temporary Suspension instead.

## **Uplift of arms items and ammunition upon temporary suspension**

A temporary suspension notice may require the immediate surrender of arms items and ammunition to Police. These items should be stored at a Police Station and remain at the Police Station until the outcome of the temporary suspension is determined.

Arms items and ammunition may be stored with another licence holder, however that licence holder must:

- not be a household member, or a person whom the suspended licence holder may have undue influence over (e.g. in the case of gang membership, family harm or serious violence concerns).
- must agree to store the arms items on behalf of the suspended licence holder.
- must be advised that the suspended licence holder should not have access to these firearms.
- must be advised to update the Firearms Registry.

In these cases, the serving officer must record the details of the licence holder who is storing the items and the discussion that was had with the nominated licence holder so that if there are any concerns or issues later, further compliance action can be taken.

## **Firearms Event Reporting (FER)**

The uplift of arms items upon a temporary suspension should be entered into OnDuty using the Firearms Event Reporting (FER) function, which speaks to both NIA and PROP. The FER can be linked to an existing occurrence (for example a 5G occurrence).

## **Period allowed for receipt of submissions**

The licence holder should be given a reasonable time within which to make any oral or written submissions, while also bearing in mind that Police may not take any longer than 90 days to decide whether to revoke the licence (otherwise the temporary suspension ends, and the licence holder may uplift their firearms).

28 days is standard period to allow submission, but no less than 14 days. At the discretion of the decision maker, the period to allow submissions may be extended where there are valid reasons or exceptional circumstances.

## **Oral or written submissions**

Written submissions via email (or post) are the most efficient submission method and the majority of licence holders opt for this method.

Oral submissions may be arranged at the request of a licence holder.

There is no requirement that the decision maker must be the person who hears the oral submissions from the licence holder. In the event another Police employee hears the oral submissions they must provide a detailed and fair report to the commissioned officer of the submissions made.

Written submissions and oral submissions (or records of oral submissions) must be reviewed and considered by the decision maker prior to the officer making the decision on revocation.

In the absence of either oral or written submission being made by the licence holder the decision maker may proceed to make a decision on the revocation.

## **Police employees as referees or who provide references or submissions on behalf of a licence holder**

To ensure Police maintain integrity and to not inadvertently create a conflict of interest, Police employees cannot ordinarily be referees or provide references or submissions in personal support of a licence holder who is undergoing a consideration of refusal or consideration of revocation. This creates a conflict of interest, especially where the reference is providing personal views about a licence holder's fit and proper status, as the decision maker has already formed grounds to find the licence holder not fit and proper (section 24A).

There are acceptable exceptions however, and these are when the Police employee is one of the following:

- the spouse or ex-spouse of the licence holder
- partner of the licence holder
- parent/guardian of the licence holder (where the licence holder is 16 or 17 years old).

Refer to ['Managing conflicts of interest'](#) in Police Instructions for further information.

Where Police employees have concerns about a licence holder due to interactions with them during the course of their duties, these concerns should be recorded in NIA or OnDuty per usual process.

## Requesting medical information as part of a temporary suspension/consideration of revocation

[Section 24A\(3\)](#) provides that a member of the Police may, for the purpose of determining whether a person is a fit and proper person to be in possession of a firearm or an airgun seek and receive any information that the member of the Police thinks appropriate and consider information obtained from any source.

If a licence is suspended or revocation is being considered on notice due to concerns about an applicant's physical or mental health, it may be appropriate to seek further information about this.

The licence holder should be asked to provide the assessment or information from their health practitioner themselves in the first instance.

Any situations where Police may need to obtain the information directly from the health practitioner should be discussed with a manager first. The manager will need to consider whether one of the other Information Privacy Principle 2 exceptions apply, if it is not possible or feasible (for example, for safety reasons) to obtain authorisation from the licence holder (and seek advice as necessary).

## Revocation

A commissioned officer may revoke a firearms licence pursuant to section [27\(2\)](#) of the Arms Act 1983.

A member of the Police may revoke a firearms licence that has been temporarily suspended pursuant to section [27C](#) of the Arms Act 1983.

The decision maker who commenced the revocation process is not required to be the final decision maker. However, best practice is that the original decision maker makes the final decision unless the circumstances are exceptional (e.g. the original decision maker left Police prior to the final decision being required).

### Revocation of firearms licence (no prior temporary suspension)

Where a commissioned officer of Police within Te Tari Pūreke has considered revocation with no prior temporary suspension, they must be satisfied 'on the balance of probabilities' that the grounds contained within section [27\(2\)](#) (with reference to section [24A](#) as appropriate) are met before revoking the licence.

The standard is the civil test as opposed to the standard required in criminal hearings of 'beyond reasonable doubt'.

The decision maker must give the licence holder written notice of a decision to revoke the firearms licence promptly after the decision is made. The notice should specify the grounds relied upon when reaching their decision.

These grounds must be consistent with those recorded in the notice of consideration of revocation of firearms licence provided at the commencement of the revocation process in that the decision maker cannot add additional grounds to the revocation notice, if those grounds were not in the consideration of revocation notice.

The revocation notice is to be served on, or given to the licence holder pursuant to section [72A](#). The revoked person must immediately surrender their licence to Police (s 28(1)). For this reason, this type of revocation notice should be served by Police in person.

In addition, Police will demand surrender of the arms items and ammunition in accordance with section 28(2)(b), and non-compliance is an offence under s 28(7).

### Revocation of temporarily suspended firearms licence (section 27C)

A member of Police may revoke a firearms licence under section [27C](#) if:

- they have considered any submissions made by the licence holder on whether their firearms licence should be revoked on the grounds stated in the temporary suspension notice, and
- they are satisfied on the balance of probabilities that the licence should be revoked on that ground. The member of Police need only be satisfied on the balance of probabilities (the civil

standard, rather than the criminal standard) that concerning behaviour occurred.

The grounds for revocation must be consistent with those recorded in the notice of consideration of revocation of firearms licence provided at the commencement of the revocation process in that the decision maker cannot add additional grounds to the revocation notice, if those grounds were not in the Notice of Temporary Suspension.

The decision maker must give the licence holder written notice of a decision to revoke a firearms licence temporarily suspended under section [60A](#) promptly after the decision is made.

The notice is to be served on or given to the licence holder pursuant to section [72A](#).

## **Deciding on revocation whilst there are active charges**

The decision to revoke a firearms licence pursuant to section [27\(2\)](#) or [27C](#) can be made in reliance on charges being filed (see, for example, section 24A(1)(a) to (c) which refer to the person being charged with certain offences.

The member of Police need only be satisfied on the balance of probabilities (the civil standard, rather than the criminal standard) that concerning behaviour occurred, therefore it is not necessary to wait to see if the person is convicted of those charges.

## **Effective date of the revocation**

When a firearms licence is revoked under sections [27\(2\)](#) or [27C](#) the firearms licence is deemed revoked at the time Police make the decision to revoke the licence. This is the point in time when the decision maker signs the Notice of Revocation.

However, any criminal action (for example, the offence for possessing firearms while revoked) is unlikely to be successful until the licence holder has been appropriately served with the revocation notice. Accordingly, prompt service of the revocation notice is important.

## **Effect of revocation of firearms licence**

Pursuant to section [28](#) a person whose firearms licence is revoked must immediately surrender their licence to Police.

On the revocation or surrender of the firearms licence the holder:

- ceases to be licenced to possess any firearm or ammunition, and
- must on demand deliver every arms item and ammunition in their possession or under their control to Police
- may, at any time within 3 months or such longer period as the Commissioner may allow, sell, or otherwise dispose of any firearm, pistol, or restricted weapon owned by them to a person approved for the purpose by a member of Police

Failing to comply with the requirements to surrender the licence card and deliver the arms items and

ammunition on demand is an offence with a penalty of up to 6 months imprisonment, or a fine not exceeding \$10,000..

## Revocation during the application process for a “renewal”

In the event a “renewal” applicant has been revoked during their application process, they should be provided a “refusal” letter addressing why their application has been refused (i.e. for the same reasons that would have been used for the revocation).

## Unlawful possession of firearms after revocation of a firearms licence

It is an offence under section [49A](#) for a revoked licence holder to be in possession of a firearm, even if they are under immediate supervision of a licence holder.

A revoked person cannot rely on the defence of immediate supervision as this defence (contained in section [22\(2\)](#)) is confined only to the section [20](#) offence of possession without a licence.

This means a revoked licence holder cannot possess, use or handle any firearms whatsoever.

This was confirmed by the High Court in *HBT v Police* (HC, Palmerston North, CRI-2010-454-51, 29 April 2011.

*[53] Mr T's case [revoked licence holder] is that because he used the firearms under the supervision of a licensed person, he was authorised for purposes of s 49A to do so.*

*[54] Section [49A](#) contemplates that a person whose licence has been revoked may nonetheless be authorised to possess a firearm, expressly or by implication, by or pursuant to the Act. That invites the question for what purpose the Act might authorise such a person to possess a firearm, if not for use under supervision. If supervised use is not permitted, the language of authorisation in s 49A is arguably redundant. Further, for purposes of s 49A possession may be authorised by implication, and not merely “by” but “pursuant to” the Act, suggesting that the legislature had in mind some form of delegated authority...*

*[56] But the language and structure of the Act is clear; it prohibits unlicensed possession except as provided in the Act or in regulations made under it:*

*“Except as provided in this Act or as otherwise provided in regulations made under this Act, no person shall have a firearm in his possession unless he is of or over the age of 16 years and is the holder of a firearms licence.”*

*[57] Counsel pointed to nothing in the Act or regulations that authorises an unlicensed person to carry or possess a firearm in Mr T's circumstances. As I have noted above, the s 22(2) defence does not extend to the offence created by s 49A. It is expressly confined to the s 20 offence.*

*[58] Further, the language of authorisation in s 49A is not redundant, for the legislature contemplated, as it did in s 20, that regulations might be made permitting an unlicensed person to possess a firearm. It is immaterial that no such regulations have been made. I observe that there is also an exemption in s 3(2) for*

*service personnel. In passing, I also note that an amending Bill which would eliminate the language of authorisation in s 49A is presently before the Law and Order Select Committee.*

## **Decisions not to revoke**

If a decision is made not to revoke a firearms licence after a consideration of revocation or temporary suspension, the licence holder must be advised in writing of the decision and their licence card, arms items and ammunition must be returned to them (unless the arms items are subject to any bail conditions, or criminal cases etc).

The licence holder should make an appointment with their Arms Office so that they can uplift their items. This appointment should also allow time to assist the licence holder in entering their arms items into the Registry (if they have not already done so) but where this is not possible, the licence holder must be advised to enter the arms items into the Registry as soon as possible.

## Revocation of dealer's licence

Under sections [9\(1\)](#) and [28\(6\)](#) a dealer's licence is immediately revoked if the holder's firearms licence is revoked.

A dealer's licence may be revoked under section [9\(2\)](#) at any time by the Commissioner of Police.

If a dealer's licence is to be revoked, the Firearms Resolutions Team should engage with the relevant district prior to the revocation in order to plan and organise for the uplift of the dealer's arms items. See also 'Commissioner's warrant to seize dealer stock' below

### Effect of revocation of dealer's licence

When a dealer's licence is revoked, sections [9B and 15 provide that](#):

- the dealer ceases to be licensed to carry on any dealer activity and may not carry on any dealer activity or have any business interest in any arms item or ammunition, and
- the dealer must immediately surrender to Police their dealer's licence and all records required to be kept (under [s12](#)) that have not been entered into the registry, and
- an employee of the dealer may not carry on or assist with any dealer activity on behalf of the dealer.

### Commissioner's warrant to seize dealer stock

The Commissioner may authorise any member of the Police (operationally this will need to be a constabulary employee) by warrant to seize and take possession of all or any arms items and ammunition in the possession of or under the control of a licensed dealer (section [13\(1\)](#)).

For the purposes of executing the warrant, the Police constable authorised by that warrant may enter into or upon any land or building in which such arms items and ammunition may be, and in so doing may use such force as may be necessary (section [13\(2\)](#)).

It is the duty of everyone executing the warrant:

- to have the warrant with them; and
- to produce the warrant on initial entry and, if requested, at any subsequent time; and
- if they are not in uniform, to produce on initial entry and, if requested, at any subsequent time, evidence that they are a Police constable (section [13\(3\)](#)).

### Disposal of items if dealer's licence expires, is surrendered, or revoked

Under section [14](#) if a dealer's licence expires, is surrendered or revoked the dealer may: at any time within 3 months or such longer period as the Commissioner may allow, sell or otherwise dispose of any firearm, pistol, or restricted weapon that was in their possession at the date of expiry, surrender or revocation to a person approved for the purpose by a member of Police.

## Revocation of endorsements

A Police Inspector (or higher rank) may by notice in writing consider revoking an endorsement under section [33](#) or [33B](#) on the grounds made out in those sections being that the holder:

- would not (if they applied now) be entitled to have that endorsement; or
- has failed to observe any conditions of the endorsement.

For examples of conditions that may be made on an endorsement see sections [31A](#), [32](#) and [33A](#) and regulation [22](#). For example, failure of a person with a target pistol shooting endorsement to participate actively in the affairs of the pistol shooting club by taking part in its activities on the range used by that club on at least 12 days in each year.

Refer to the [Endorsement and Conditions](#) arms chapter for further information.

## Right of review of official decisions for revocations

Anyone who has had their firearms licence revoked by Police may apply to the Commissioner for a review of the decision under section [62](#) of the Act.

### Purpose of the review

The purpose of the s62 review process is to allow for an intermediary review step for some decisions to ensure those decisions are robust and to ensure that only cases that need to go to District Court go to District Court.

### Applying for a review

The revoked person must make their application for a review within 28 days from when they were given notice of the revocation decision. However, late applications (no later than a further 28 days later) may be accepted if the Commissioner (or his delegate) is satisfied there are extenuating circumstances that affected the person's ability to make the application by the closing date.

Any applications for a review made outside of the legislative timeframe are unlikely to be considered and the applicant should be provided a letter outlining the reasons why the review cannot take place.

See: [Arms Act Delegations](#)

### How a review should be conducted

The Commissioner must delegate the responsibility for reviewing the revocation decision to a person other than the original decision maker ([s62A\(1\)](#)). In practice the independent decision maker is an Inspector (or higher rank) with delegated authority with Te Tari Pūreke.

The reviewer should assess whether the decision was correct at the time, and if it still is the correct decision, having regard to how the decision will stand up in the event of a District Court appeal.

The reviewer should refer to the written revocation decision, the written temporary suspension decision, the information which informed those decisions (including comments available in the Firearms Event in NIA), and any submissions made by the individual concerned throughout the revocation process and upon application for a review.

Any other relevant information should be considered, such as matters missed by the original decision maker and any post revocation developments.

See: [Arms Act Delegations](#)

## Right of appeal to District Court

There is a right of appeal pursuant to section [62B](#) to a District Court Judge against the listed decisions (for example, refusal or revocation of a licence, permit or endorsement).

However, a person whose application for a firearms licence has been refused, or whose firearms licence has been revoked must have firstly applied to Police under section [62](#) for a review of the revocation decision and have been notified of the reviewer's decision.

The Firearms Resolution Team manage the s62B District Court appeals for Te Tari Pūreke.

### Revocation of licence following District Court appeal

A commissioned officer may revoke a firearms licence determined on appeal in favour of the appellant licence holder by a District Court Judge, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal ([s62C](#)).

# Appendix A

## Other Acts impacting on firearms licences

### Trespass Act 1980

Under section [12](#) of the Trespass Act 1980 any person who commits an offence against that act and at the time was carrying or had with them a weapon may be disqualified by the court from holding a firearms licence or any other licence or permit under the Arms Act for a period not exceeding two years from the date of the conviction.

The court may also order that the person must not carry any weapon or any weapon of a specified class, for such a period not exceeding 2 years.

‘Weapon’ means any gun, rifle, airgun, or air rifle; and includes any kind of weapon or device from which a shot, bullet, arrow, tranquillising dart, or other missile can be discharged.

Disqualification under the Trespass Act does not prevent revocation of the firearms licence under the Arms Act (s [12\(2\)](#) of the Trespass Act 1983). If the person who is temporarily disqualified from holding a firearms licence under the Trespass Act 1983 is also not a fit and proper person to possess firearms, consideration should also be given to revocation under section [27](#) of the Arms Act 1983 (with prior notice of grounds and having an opportunity to make submissions).

### Police Safety Orders

Under section [40](#) of the Family Violence Act 2018 a person’s firearms licence is suspended while a Police Safety Order that been issued is in force. A Police Safety Order may be issued for any amount of time between 24 hours and 10 days, after which time any firearms may be returned to the licence holder.

It is therefore important that a fit and proper assessment takes place within the timeframe of the Police Safety Order to ensure that any risk with respect to firearms is further if mitigated.

Under section [37](#) of the Family Violence Act 2018 the bound person must immediately surrender to a constable their firearms licence and any weapons in their possession or under their control.

‘Weapon’ is defined in the Family Violence Act 2018 as any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive, as those terms are defined in the [Arms Act 1983](#).

During this period Police should assess whether the bound person is a fit and proper person to possess a firearm or airgun (s [24A](#)). A notice of consideration of revocation of firearms licence or a notice of temporary suspension may then be issued.

## Appendix B

### Practice Note- Te Tari Pūreke and National Security Group

#### Purpose

The purpose of this practice note is to establish a practice between Te Tari Pūreke - Firearms Safety Authority (Te Tari Pūreke) and the National Security Group (NSG) when a National Security Person of Interest (POI) either applies for a firearm licence, or is an existing firearms licence holder.

It also seeks to enhance communication between Te Tari Pūreke and NSG and provide a clear understanding as to how POI cases will be managed, what will be disclosed and who will present evidence for any Court hearings when national security information is used as part of the decision.

#### National Security Group responsibilities

The National Security Group work collaboratively with other districts and national specialist units to develop and deliver operational strategies for countering terrorism, violent extremism, and foreign interference.

‘National Security Person of Interest (**POI**)’ is a term used by Police for the cohort managed within the National Security Operating Framework. It is used for a person or entity for whom there is reasonable grounds to believe they may support, aspire to be, are involved in, or contribute to extremism, which could ultimately result in acts of a violent extremist or a terrorist nature.

A crucial step in preventing acts of violent extremism or terrorism includes prohibiting National Security POI’s from holding firearms licences.

The National Security Group will provide the Te Tari Pūreke with information to enable them to make informed decisions about the applicant’s suitability to have a firearms licence. By virtue of being a POI, it should be inferred that the individual is not a fit and proper person to hold a firearms licence.

#### Te Tari Pūreke - Firearms Safety Authority responsibilities

Te Tari Pūreke is tasked with effectively regulating the legitimate possession and use of firearms to keep all communities safe. Te Tari Pūreke is responsible for overseeing lawful firearms possession in New Zealand and ensuring firearms possession is limited to those who are fit and proper to possess firearms, and who comply with their legal obligations.

The Resolutions Team within Te Tari Pūreke - Firearms Safety Authority are a centralised group responsible for the continuous eligibility assessment of current firearms licence holders to ensure they remain fit and proper to hold a firearms licence. Where a firearms licence holder falls below the fit and proper standard required, regulatory intervention is made by members of the Resolutions Team relative to the grounds for concern identified. This may include, but is not limited to, the suspension and revocation of a firearms licence, together with the resulting legislative processes, for example, section 62 reviews for which delegated authority is afforded to a specific cohort of Inspectors.

The National Support Team within Te Tari Pūreke - Firearms Safety Authority are a centralised group responsible for the management of firearms licence applications, , together with Te Tari Pūreke district Arms Offices. Together they ensure that only fit and proper people are issued a firearms licence. Where an applicant falls below the fit and proper standard required, they will not be issued a firearms licence.

Te Tari Pūreke will engage the National Security Group and use their subject matter expertise to ensure the careful management of licence applications and licences that belong to POIs.

### **Process for managing classified information**

Should NSG hold classified information about an applicant or licence holder, then this information must only be made available to decision makers within Te Tari Pūreke who have **National Security clearance (TS or TSS clearance)**.

NSG will provide access to the information to the TS cleared decision maker directly. It will not be made available to any other staff member within Te Tari Pūreke and must not be copied to, or saved to, any licence documents, licence case files or the Firearms Licence in NIA.

### **Identifying when to engage the National Security Group**

For a person to be assessed as a National Security POI, they will have first been subject to other processes, with each stage further informing the NSG decision maker with crucial information as to the credibility/veracity of the originating information, the POI's grievance/ideology, and/or their engagement with violent extremism and other like-minded persons.

This process is outlined below:

<p>1. Unassessed information is received about a person/entity that is possibly relevant to violent extremism or terrorism.</p> <p>At this stage of the process no NIA alert is created.</p>
<p>2. Once information is assessed as having relevance to violent extremism or terrorism, it remains unconfirmed but indicates a specific person/entity (who was not already known to the National Security Group) may support, aspire to be, be involved in, or contribute to possible extremism and may ultimately result in violent extremist or terrorist acts by any person or entity.</p> <p>At this stage the person or entity is considered a “<b>Lead</b>”. A NIA alert is placed on the person or entity, which reads:</p>
<p><b>NOT FOR BROADCAST</b></p> <p><b>POLICE EYES ONLY</b></p> <p><i>This person is of interest to National Security.</i></p> <p><i>Please complete a detailed NIA (National Security) Intelligence noting.</i></p> <p><i>Refer any immediate enquiry to District Intel or the DCC in the first instance.</i></p> <p><i>If required contact National Security Group (<a href="mailto:NatSecCT@police.govt.nz">NatSecCT@police.govt.nz</a>).</i></p>
<p>3. Following an investigation a “Lead” is either filed (when there is no confirmed engagement with violent extremism) or the person/entity is assessed as a “POI”. This happens when this is confirmed information to indicate the person/entity supports, aspires to be, is involved in, or contributes to possible extremism and may ultimately result in violent extremist or terrorist acts by any person or entity.</p> <p><b>The previous NIA alert remains on an individual when they are confirmed as a POI.</b></p> <p>If the “Lead” is filed, as opposed to confirmed, the National Security NIA alert will expire and no longer remain visible.</p>

## Identifying when to engage with Te Tari Pūreke - Firearms Safety Authority

Individuals who hold a firearms licence can be identified through their NIA profile. On their NIA profile their firearms licence will have a status such as ‘Current’, ‘Renewal in Progress’, or ‘Considering Revocation’.

Individuals who have applied for a firearms licence can be identified through their NIA profile by looking at whether they have a ‘Pending’ firearms licence status.

If unsure about the status of a licence, contact Te Tari Pureke.

## Process between Te Tari Pūreke and National Security Group

If any POI makes an application for a firearm licence, or if their fit and proper status is reviewed for potential suspension/revocation action, **and the decision is reliant on information from NSG**, NSG must be consulted.

Te Tari Pūreke must advise NSG of the nature of the application made by the POI, and/or the reasons for the Te Tari Pūreke review of the POI's fit and proper status.

## **Refusal, Revocation or Suspension without NSG information being used**

If Te Tari Pūreke makes a preliminary decision to refuse a POI's application for a firearm licence, or to suspend or revoke their licence, **without** relying on information from NSG, NSG should be advised.

NSG may advise Te Tari Pūreke if they have any further information of relevance considering the preliminary decision reached.

## **Approval of application or retention of firearm licence**

If Te Tari Pūreke consider the POI should be able to retain their firearm licence despite the NSG information, or that it is appropriate to grant their application for a firearm licence, Te Tari Pūreke must advise NSG of the preliminary decision reached, alongside details of the information available to them at the time. The notification to NSG must occur prior to communicating any decision to the applicant.

If NSG disagree with the preliminary decision made by Te Tari Pūreke, NSG must provide a detailed report to Te Tari Pūreke, for their consideration in reaching a final decision. It is expected that Te Tari Pūreke and NSG will work collaboratively to ensure all relevant information is available for the Te Tari Pūreke decision maker prior to any final decision being made.

**Note:** if any of the information is classified, go to Process for managing classified information before proceeding.

NSG must provide Te Tari Pūreke with a detailed report evidencing:

- All relevant information for the Te Tari Pūreke decision maker to consider, and
- All reasons for NSG's disagreement with any preliminary decision made by Te Tari Pūreke.

It is important that the Te Tari Pūreke is able to:

- Consider sufficient information from all sources, in particular NSG.
- Make a reasonable and lawful decision based on all the information available.
- Be able to evidence the reasoning for their decision in the event of an appeal to the District Court.
- Consider the legislatures view that a 5-year window of 'good character' is adequate to consider a further/new application (for revocation decisions)

- Consider that there is no timebound stand down period for an applicant who is refused a licence. This means the applicant could try apply for a licence again at any time and
- Consider whether to withhold information under s 24A(5) of the Arms Act - this would ultimately have to be given to the Court (in chambers). Consideration is also required for a litigation strategy, should the Court order that the information is to be disclosed to the appellant.

Once a decision has been made, Te Tari Pūreke must provide NSG with the draft statutory notice letter for NSG to consider and make any necessary comments and/or suggestions.

Once the decision is communicated to the person or licence holder, NSG should be advised.

## **Matters that proceed to a section 62 review**

If any matter proceeds to a section 62 review under the Arms Act 1983, the member of Police with delegated authority (an Inspector within Te Tari Pūreke) who undertakes the section 62 review should follow the above steps and engage with NSG during the decision-making process.

## **Matters that proceed to District Court**

If any matter proceeds to a District Court Appeal, NSG must be involved with Crown meetings. The Resolutions Team will oversee the management and preparation of their brief of evidence concerning their assessment and advice to Te Tari Pūreke.

NSG may be required to provide an affidavit concerning the information they provided to Te Tari Pūreke, and they may be required as a witness in any appeal. If this is the case, the Resolutions Team will communicate and engage with the relevant NSG member as required.

## **Contact details**

### **National Security Group**

The principal point of contact for the NSG is the Counter Terrorism Investigations Manager

Decisions where the intention is to suspend, revoke or refuse the POI without the need to disclose any national security information an FYI is be sent to [NatSecCT@police.govt.nz](mailto:NatSecCT@police.govt.nz) (attention CT Investigations Manger).

### **Te Tari Pūreke - Firearms Safety Authority**

The principal point of contact for Te Tari Pūreke is the Manager - Resolutions.

The Firearms Resolutions Team can be contact at [firearmsresolutions@police.govt.nz](mailto:firearmsresolutions@police.govt.nz).

The decision makers within Te Tari Pureke with TS clearance are:

- Superintendent Richard Wilson - Director: Business Transformation
- Matthew Boddy - Director: Service Delivery
- Michael McIlraith - Director: Partnerships and Communities

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## **Firearms licences**

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# Policy statement and principles

## What

Many New Zealanders are outdoor-oriented with some using firearms for sport, recreation, business and food gathering.

As the regulator of the Arms Act 1983 (Arms Act or the Act), Te Tari Pūreke - Firearms Safety Authority are responsible in helping deliver the purpose of the Act and regulating the legitimate and safe possession and use of firearms and other arms items. Section [1A\(2\)](#) of the Arms Act states that the possession and use of firearms is a privilege and that persons authorised to import, manufacture, supply, sell, possess or use arms have a responsibility to act in the interests of personal and public safety.

## Why

It is Te Tari Pūreke's (and Police's) role as an effective regulator to ensure that only people who are fit and proper are able to access, possess, and use firearms and ammunition. We must ensure applicants for firearms licences are able to understand their obligations in order to comply with their regulatory obligations, and that they are fit and proper to possess and use firearms for legitimate purposes.

## How

By having robust licensing regimes and policies that are in line with the [Arms Act 1983](#) and [Arms Regulations 1992](#), we will ensure that only fit and proper people are issued with firearms licences and will enable the legitimate possession and use of firearms.

To assist staff with a consistent application of knowledge, expertise and decision making, there is a Structured Professional Judgement Framework available for Te Tari Pūreke staff on the [Firearms Hub](#) and this should be utilised during the application process.

# Overview

## Introduction

This chapter covers the firearms licence requirements and application process, including:

- Requirements to apply for a firearms licence
- Considerations before issuing a firearms licence
- Firearms licence holder obligations
- Surrendering, expiring and revoked firearms licences
- Immediate supervision requirements for non-licence holders
- Other miscellaneous information about the possession and use of firearms and arms items

## Licence types

There are two types of licenses issued under the [Arms Act 1983](#):

- Firearms licence
- [Dealer's licence](#)

A short-term firearms licence may be issued to a visitor who intends to be in New Zealand for a period of less than one year and is referred to as a 'visitor firearms licence' (section [25\(2\)](#) and [\(3\)](#) and definition of "visitor" in section [2](#)). For more information about visitor firearms licences, see the [Visitor Firearms Licence arms](#) chapter.

## The following people require a firearms licence

- Persons in possession of firearms
- Persons in possession of firearms parts
- Persons in possession of ammunition
- Firearms dealers and their employees
- Ammunition sellers
- Persons aged 16 or 17 in possession of airguns.

To possess pistols, restricted weapons, pistol carbine conversion kits or prohibited items, the relevant [endorsement](#) is required on the firearms licence. A person may apply for a firearms licence and endorsement(s) concurrently. Each application is to be considered on its merits and the approval for one does not automatically allow for the approval of the other application.

A person cannot apply for a first-time firearms licence and a first-time dealer's licence concurrently.

## Firearms licence

A firearms licence:

- permits the holder to possess non-prohibited firearms, non-prohibited magazines and other non-

prohibited parts and ammunition (section [20](#), [22A](#), and [22B](#))

- is required by persons aged 16 and 17 years who wish to possess an airgun (section [21](#))
- cannot be issued to persons under 16 years of age (sections [23](#) and [24](#))
- is required by persons who wish to possess or use:
  - Reproduction or replica firearms which are more modern copies of antique firearms - even if these are virtually identical to a true antique firearm, they are not an antique firearm due to being manufactured after 1899 (the definition of antique firearm refers). Accordingly, a licence is still required to possess them (and if that replica is a pistol, prohibited firearm or restricted weapon, the appropriate endorsement and permit is required also).
  - Specially dangerous airguns. See clauses [1A](#) and [3](#) of the [Arms \(Restricted Weapons and Specially Dangerous Airguns\) Order 1984](#), which currently provides that the following are specially dangerous airguns and therefore come within the definition of “firearms” under section [2](#) of the Arms Act:
    - airguns known as the [Larc International Model 19A](#) and the Larc International Model M19-AMP
    - specified pre-charge pneumatic air rifles other than airguns that are designed for use in airsoft or paintball sports and are in the same configuration as when they were manufactured.

There is no limit on the number of non-prohibited firearms or airguns a person with a firearms licence may hold. The licence holder must, however, have [approved secure storage](#) sufficient for all firearms in their possession, and firearms must at all times be possessed only for a lawful, proper and sufficient purpose (section [45](#)). Also refer to the [Exemptions](#) section below.

## Dealer’s licence

A dealer’s licence permits the holder to carry out specified dealer activities in relation to a specified class or classes of arms item. Dealer activities requiring a dealer’s licence include:

- Carrying on the business of selling, hiring, lending or otherwise supplying arms items
- Possessing arms items for auction
- Carrying on the business of repairing or modifying arms items
- Manufacturing arms items for sale or other supply
- Displaying arms items as the director or curator of a bona fide museum

For more information see ‘[Dealer, gunsmith and auctioneers](#)’ arms chapter.

## Endorsements

An endorsement on a firearms licence or dealer’s licence permits the licence holder to possess and (in some cases), use, a pistol, restricted weapon, prohibited firearm, prohibited magazine, or pistol carbine conversion kit in a specified capacity.

For more information on endorsements see the ‘[Endorsements and conditions](#)’ arms chapter.

## Application for a firearms licence

A person may apply to a member of the Police for a firearms licence if the person:

- is of or over the age of 16 years; and
- has not had a firearms licence revoked in the previous 5 years (or, if they have, the revocation was reversed by the District Court); and
- is not disqualified under section [22H](#) from holding a firearms licence (see [Appendix One](#) for full details on disqualifiable offences).

A person who is the holder of a firearms licence may, before the expiration of that firearms licence, apply for a new firearms licence. These types of application are colloquially known as “renewals”.

## Exemptions

### Licence not required for specific items

Section [22](#) of the Act and Regulation [20](#) of the Arms Regulations 1992 does not require a licence for possession of certain non-prohibited firearms that, because of the way they work, are defined as firearms, but have specific functions. These specific firearms are:

- a bolt gun or a stud gun
- a humane killer
- a tranquilliser gun
- a stock marking pistol
- an underwater spear gun (which uses an explosive to propel the spear; or may be of a type which fires a projectile by force of an explosive).
- a flare pistol
- a deer net gun
- a pistol that is part of rocket or line throwing equipment
- a miniature cannon
- an antique firearm\*
- a dog training dummy launcher
- an improvised explosive device disrupter.

The restrictions on the sale of ammunition under section [22D](#) of the Arms Act 1983, that ammunition can only be sold by a firearms licence holder to someone who is also a firearms licence holder, do not apply to any ammunition for those firearms listed above.

The items above are not required to be entered into the Registry.

A permit to import any exempt item above is still required as the exemption relates to possession only.

### Antique firearm

An antique firearm is any firearm that:

- is held in the possession of any person solely as an antique (but not as a copy or replica of an antique); and
- is not designed for firing, and is not capable of firing, rimfire or centrefire cartridge ammunition; or
- any firearm declared by regulations made under the [Arms Act 1983](#) to be an antique firearm for the purposes of this Act; but
- does not include any firearm manufactured after 1899.

## **Police employees, New Zealand Defence Force and other exempt persons**

Under section [3\(2\)](#) of the Arms Act 1983, nothing in the Act makes it unlawful for the Crown, including Police employees, Police armourers, members of the New Zealand Defence Force and Customs Officers to carry or possess arms items, ammunition or explosives in the course of their duties.

Any member of a visiting force as covered in the [Visiting Forces Act 2004](#), which is further defined as part of the armed forces of another state granted entry into or passage through New Zealand is exempt.

Section [3\(2\)](#) of the Act further details other people who are exempt from the requirements of the Act.

Any such person wishing to apply for a firearms licence for private use is required to undergo the same application and vetting procedures as members of the public.

## **Diplomats - free issue of licence**

Diplomats are not exempt from licensing requirements and cannot possess or use firearms unless they hold a firearms licence and the required endorsements.

Per Ministry of Foreign Affairs and Trade advice, Foreign Security Personnel are not permitted to carry firearms or other weapons while in New Zealand. New Zealand Police assume responsibility for the security of any visiting dignitaries. For more information, refer to the MFAT guidance [here](#) (see chapter 22 of the Guidelines (pdf) dealing with Security and Protection (including firearms)).

If a diplomat applies for a firearms licence in their personal capacity, the usual considerations for firearms licence applications apply. If the diplomat will be in New Zealand for less than 12 months, they should be treated as visitors (and be precluded from purchase of any firearm or restricted weapon for possession).

Otherwise the usual criteria for the issuing of a firearms licence under section [24](#) of the Act apply. There is no exception for security personal to be in possession of firearms for the purpose of providing security.

## **Fees**

All firearms licensing fees are set in the [Schedule 1](#) to the Arms Regulations 1992.

There are specific fees for:

- an application for a firearms licence from a person who is a first-time applicant or holds a current

#### firearms licence

- an application from a person whose previous licence expired
- an application for a short-term licence from a person visiting New Zealand for a period less than 12 months
- an endorsement application
- an application for a replacement licence.

Fees are paid online at the time of application or, if applying using a hard copy, at an NZ Post Shop.

### **Refunding of fees**

Firearms licence fees are “prepaid”. It is appropriate to consider providing a refund in the case of returning the portion of an overpaid fee.

Otherwise, refunds are not usually provided. Once work has started on a licence (including administration triage relating to individuals who are disqualified under section [22H](#)), the fee is not refundable.

If there is an exceptional circumstance where a refund could be considered on the basis of equity or fair dealing, an email request must be provided to Director: Operations - Te Tari Pūreke outlining the reasons why the refund is request and should inform how much work has been completed on the file.

## Issue of firearms licence

A firearms licence must be issued to an applicant if a Police employee is satisfied that the applicant is:

- a [fit and proper](#) person to be in possession of a firearm or an airgun; and
- of or over the age of 16 years; and
- either their storage facilities have been inspected by a Police employee and are compliant with the requirements for secure storage, or,
- if they are a visitor to New Zealand who will have a licence for a less than one year, a Police employee is satisfied with the arrangements made for the storage of the firearms to be possessed by the visitor while in New Zealand. (Section [24\(1\)](#), Arms Act 1983). See [Visitor Firearms Licence arms](#) chapter.

Firearms licences are issued (approved) by Arms Officers within Te Tari Pūreke. Endorsements are currently approved by Arms Managers within Te Tari Pūreke.

If there is any uncertainty about the issuing of a firearms licence, the District Review Panel (DRP) should be engaged and the application should be reviewed by the panel. Information regarding the DRP process can be found on the Firearms Hub [here](#).

## Refusals

Where a licence applicant has not satisfied Police that they should be issued with a firearms licence, they should be considered for refusal.

The reasons for considering refusal will be varied and specific to each application.

A firearms licence must not be issued to an applicant if, in the opinion of a commissioned officer of Police, access to any firearm or an airgun in possession of the applicant is [reasonably likely](#) to be obtained by any person who:

- is disqualified from holding a firearms licence; or
- has had their firearms licence revoked on the ground that they are not a fit and proper person to be in possession of a firearm or an airgun; or
- is not a fit and proper person to be in possession of a firearm or an airgun.

The importance of assessing [access concerns](#) during the application process is covered in the [Access concerns](#) section of this chapter. Further information about fit and proper criteria is available in the [Compliance, revocation etc](#) arms chapter.

**Note:** only a commissioned officer of Police may refuse a firearms licence application. In practice, refusal decisions are made by members of Te Tari Pūreke who are at the level of Inspector.

## Refusing a “renewal”

In the event a person applied for a subsequent licence before the expiry of their current licence (a

“renewal”) and is no longer considered fit and proper during the application process, staff should engage the Firearms Resolutions Team to consider whether there are grounds to temporarily suspend the firearms licence pending revocation. The full list of possible reasons for suspending a licence can be found in section 60A of the Act.

If the firearms licence is then revoked, the person should be advised that their application for a firearms licence has also been refused.

If the firearms licence is not revoked the application process should progress.

## Notice of Consideration of Refusal

Section [24A\(4\)](#) require that Police:

- disclose to the licence holder the prejudicial information relied upon when making the decision to consider refusing their firearms licence application, and
- provide the licence holder a reasonable opportunity to explain or refute the information.

If Police intend to refuse the licence application, a notice of consideration of refusal must be provided the applicant and must include enough detail about the reasons why their application is being considered for refusal so that they can make submissions addressing the specific concerns.

Information being relied on to refuse an application can only be withheld from the applicant in limited circumstances (section [24A\(5\)](#)). These are where the release of the information would be likely to:

- endanger the safety of any person, such as if the identity of the person providing the information is not known to the applicant (this can happen if Police seeks information from people the applicant has not nominated as a referee);
- prejudice the security or international relations of New Zealand, which should be used rarely but if an applicant is identified as posing a risk to national security;
- prejudice the entrusting of information to the Police or security services by international partners, which again should be rare but would be intelligence held by Police on behalf of overseas jurisdictions.

## Submissions

An applicant who is being considered for refusal should be provided no less than 14 days to make submissions.

These submissions can be made in writing, via email or letter, or orally with a member of Police.

There is no requirement that the decision maker must be the person who hears the oral submissions from the licence holder. In the event another Police employee hears the oral submissions they must provide a detailed and fair report of the submissions made to the decision maker.

Written submissions and oral submissions (or records of oral submissions) must be reviewed and considered by the decision maker prior to the officer making the decision. Where appropriate, the

decision maker may extend the timeframe for making submissions.

In the absence of either oral or written submission being made by the licence holder the decision maker may proceed to make a decision on the refusal.

## **Police employees as referees or who provide references or submissions on behalf of a licence holder**

To ensure Police maintain integrity and to not inadvertently create a conflict of interest, Police employees cannot ordinarily be referees or provide references or submissions in personal support of a licence holder who is undergoing a consideration of refusal or consideration of revocation. This creates a conflict of interest, especially where the reference is providing personal views about a licence holder's fit and proper status, as the decision maker has already formed grounds to find the licence holder not fit and proper (section 24A).

There are acceptable exceptions however, and these are when the Police employee is one of the following:

- the spouse or ex-spouse of the licence holder
- partner of the licence holder
- parent/guardian of the licence holder (where the licence holder is 16 or 17 years old).

Refer to '[Managing conflicts of interest](#)' in Police Instructions for further information.

Where Police employees have concerns about a licence holder due to interactions with them during the course of their duties, these concerns should be recorded in NIA or OnDuty per usual process.

## **Notice of Refusal**

In the event an application for a firearms licence is refused after submissions have been reviewed during the consideration of refusal process (or no submissions have been received), the applicant must be provided a Notice of Refusal detailing the reasons why the application has been refused.

## **Right of review under section 62 of the Act**

A person who has had their application for a firearms licence refused may apply to the Commissioner for a review of the decision under section [62](#). The Commissioner must delegate the responsibility for reviewing the decision to a person other than the original decision maker ([s62A\(1\)](#)).

An independent decision maker with delegated authority within the Te Tari Pūreke - Firearms Safety Authority conducts the review under section [62](#).

## **Right of appeal to District Court**

Applicants who have had their application refused have a right of appeal pursuant to section [62B\(1\)\(a-c\)](#) to a District Court Judge. However, they must have at first:

- applied to Police under [section 62](#) for a review of the decision to refuse their application for a firearms licence, and
- have been notified of the reviewer's decision.

The Firearms Resolutions Team manages District Court Appeals and any District Court appeal applications received within districts or other service centres must be forwarded as soon as possible to the Firearms Resolutions Team.

## Application process

An application for a New Zealand firearms licence must be made in writing in hard copy form or electronically through an internet site.

The Te Tari Pūreke website provide the ability for applicants to apply for a firearms licence online (MyFirearms).

A PDF version of the form can be downloaded and printed from the Te Tari Pūreke website, or can be provided if a person requests it and sent to [firearmslicenceapplications@police.govt.nz](mailto:firearmslicenceapplications@police.govt.nz).

An application can also be made in hard copy (via post). Under regulation [16](#) of the Arms Regulations 1992, an application in hard copy form must be signed by the applicant and delivered to the Police station nearest to the applicant's place of employment or residence.

To apply for a firearms licence the applicant will need to:

- meet the personal eligibility requirements
- provide the applicant's full name
- provide the applicant's date of birth
- provide the applicant's place of birth
- provide the applicant's address and occupation (or the educational body they are attending)
- provide where the applicant works (or attends an educational body)
- have [secure firearm and ammunition storage facilities](#) at their home address, and any other location where they intend to store their firearms and/or ammunition
- be able to supply names and contact details for referees who will be interviewed by Police as to the applicant's suitability to possess or use firearms
- be able to provide contact details of any ex-spouse or ex-civil union or de facto partner during the last five years
- be able to provide details of people who live at, work at, or may have free or unsupervised access to, the premises where they intend to store firearms and/or ammunition
- provide evidence of whether the applicant has been convicted of any offence in New Zealand or any other country; and
- provide evidence of whether the applicant has previously applied for a firearms licence in New Zealand or any other country and has been refused, or the applicant's licence in New Zealand or any other country has been revoked
- provide passport style photographs of themselves
- provide the required identification documents
- provide details of countries stayed in (other than New Zealand) for a period of 14 days or more at any one time, in the previous five years
- provide (at the applicant's own expense) criminal history checks from countries (other than New Zealand) the applicant has stayed in for over six months (not necessarily consecutively) in the 10 years preceding their application

- pay the required fee at a New Zealand Post Shop or via an online portal provided by Police
- be able to attend an interview with Police held at the applicant's premises to discuss their suitability to hold firearms
- be able to attend and pass a course on firearms safety if they are a first-time applicant or are instructed to do so by Police
- be able to pass a multi-choice safety test (based on the Arms Code) at their interview (held at the applicant's premises), if they hold a firearms licence and are applying for a new one before it expires
- supply details of their New Zealand based Health Practitioner
- any other relevant information that the Commissioner reasonably requires.

Being a New Zealand citizen does not grant special privileges regarding eligibility to apply for a firearms licence. Nor does it allow special privileges regarding the application requirements and not being present in New Zealand for the processing of their application. The key considerations for eligibility are whether the person applying has been able to provide all necessary information, is present in New Zealand or if they intend to be present in New Zealand in the near future to be available for their in-person interview and security inspections. If the person applying intends to remain in New Zealand for less than a year, they have to apply for a visitor's licence.

**Note:** While an email or hard copy application could be submitted when the applicant is overseas (MyFirearms is not available to those overseas), the [required interview](#) of the applicant must take place in person in New Zealand. Applications from NZ citizens and residents while residing overseas are not to be "held over" for more than three months (from the application date) pending the applicant's return or arrival to in New Zealand, although this may be varied at the Arms Manager's discretion to a maximum of six months to fit with a known and confirmed arrival date of the applicant. This should be explained near the beginning of the process to applicants who are overseas, and the applicant should be asked when and how they will be able to meet the in-person interview requirement. A further reminder of this requirement and the consequences (refusal) should be sent later.

After the agreed timeframe has passed and they have failed to comply, the application should be refused on the grounds that Police is unable to obtain the required information to assess the applicant as a fit and proper person to possess firearms or airguns. There is no refund of the fee.

## Overseas criminal record checks

Applicants who have resided outside of New Zealand in the 10 years preceding their application, must provide (with their application) a criminal record check for each country they have stayed in for over 6 months (not necessarily consecutive).

The history check must not be dated older than 2 months from the date of application for the New Zealand Firearms Licence, unless approved by a manager in special circumstances. Special circumstances can include:

- being an applicant who has had to gather information from several countries and some of the

responses may then be more than 2 months old when submitted.

- an applicant who has immigrated to New Zealand and who has submitted information during the NZ Residency or Permanent Residency process and that information is dated as the time of their arrival and they have not left New Zealand since then.
- an applicant who has worked overseas for a New Zealand based employer, such as government departments, New Zealand Police, New Zealand Defence Forces, NGO's providing aid programs.

Overseas criminal history checks are to be provided at the applicant's own expense.

Some countries will not readily provide criminal record checks, and some will not provide them at all.

The onus remains on the applicant to satisfy Police that they are fit and proper to hold a firearms licence, and a criminal record check is part of this decision making. If an applicant has made every effort to acquire criminal record checks from overseas jurisdictions but has been unsuccessful on doing so, Police have discretion with regard to the weight placed on the absence of a criminal record check.

In practice this means that applications do not have to be refused where the absence of the criminal record check is the only information not provided, and where the applicant can demonstrate that they have made every effort to obtain a criminal record check (and are fit and proper).

Where an overseas criminal record check is not provided, additional referees within New Zealand should be interviewed. In some cases where the applicant has been in New Zealand for a long period of time it is appropriate to request the applicant to make a statutory declaration confirming they were unable to obtain a criminal history record check. For recent immigrants to New Zealand who apply for a firearms licence, these exceptions should not be readily applied, especially if they do not have referees in New Zealand who do not know them well enough.

Where an overseas criminal record check is not provided and the exceptions are applied, the decision maker for the licensing file should be an Arms Manager or Regional Manager.

## **Applicants who previously held a firearms licence**

The vetting process for any licence holder who previously held a firearms licence should include a review of their previous application file, which may be used to inform the vetting questions for the new application.

A review of the previous application file will also assist decision makers with their assessment of the applicant and any previous licence history, events or concerns.

## **Applicants previously expired**

An application for a firearms licence received from a person whose previous application was expired without them applying for a new licence should be treated as a first-time licence application for the purpose of fees and the type of vetting process.

If the new licence is issued, the person will only be eligible for a 5 year licence.

## **Applicants previously refused or surrendered**

An application for a firearms licence received from a person whose previous application was refused or surrendered should be treated as a first-time licence application for the purpose of fees and the type of vetting process.

If the new licence is issued, usually the person will then only be eligible for a 5 year licence.

However, there is a small anomaly that may occur in rare situations where a person previously held a firearms licence, applied for a new licence before that licence expired a “renewal), but their new application was refused.

If that person then applies again for a new licence subsequent to that first refusal, they will be eligible for a 10 year licence (if a licence is issued) because the criteria in section [25\(1\)\(a\)](#) do not apply to them. This should be a rare circumstance.

## **Applicants previously revoked who apply again after 5 years or after disqualification period**

An application for a firearms licence received from a person whose previous licence was revoked and the 5 year stand down period or the 10 year disqualification period has ended, should be treated as a first-time licence application for the purpose of fees and the type of vetting process.

If the new licence is issued, the person will only be eligible for a 5 year licence.

## Applicant for firearms licence must undergo course of training and pass tests

All applicants for a firearms licence must (unless a commissioned officer otherwise directs - Regulation [14](#), Arms Regulations 1992):

1. undergo a course of training which is conducted by a member of the Police (or a person approved for the purpose by a member of the Police) and which is designed to teach the applicant to handle firearms safely and;
2. pass such tests as may be required to determine the applicant's ability to handle firearms safely (being tests conducted by a member of the Police or a person approved for the purpose by a member of the Police).

### Firearms Safety Course

A Firearms Safety Course will take place following a person making an application for a first time (5 year) firearms licence. All first-time applicants must attend the Firearms Safety Course (see also Whakatūpato which consists of two parts:

- **Firearms theory test** (30 multiple choice questions) - to confirm understanding of the Arms Code and firearms safety practices and requirements in legislation.
- **Firearms practical training session** - covers hands-on safe-handling of common firearm types.

Applicants who previously held a firearms licence must complete the Firearms Safety Course if any of the following circumstances apply to them:

- Their previous licence was revoked or they became disqualified
- Their previous licence was expired, refused or surrendered 12 months ago or longer.

The [Arms Code](#) and other online support material is provided by Te Tari Pūreke to assist applicants attending the Course.

Anyone failing the course may attend again later following further study.

### Whakatūpato Programme

Whakatūpato is a community-based safety training programme for people who live in isolated rural locations and may not be able to attend the Firearms Safety Course.

Like the Firearms Safety Course, Whakatūpato offers safety training and an opportunity to complete the safety test so that attendees can continue with their firearms licence application.

There is no cost to attend this programme.

### Firearms safety test - “renewals”

Licence holders who are applying for a firearms licence before their current licence expires (“renewals”)

must pass a theory test, known as the Firearms Safety Refresher Test, administered as part of the vetting process.

The test consists of 20 questions and applicants are required to answer 19 of 20 correctly to pass. Only question 19 of the test (as it is not a safety-related question) may be failed.

Staff administering the test to an applicant are encouraged to use resources such as the Firearms Safety Code, information cards and the Te Tari Pūreke website to engage and educate the applicant if required.

If the applicant does not pass this test, they must complete full training and testing on the Firearms Safety Course. If they subsequently fail the Firearms Safety Course, consideration of refusal may be required.

There may be cases where a “renewal” applicant passes the safety test but has never possessed or used a firearm during their previous 5 or 10 year licence period. If there are any concerns about an applicant’s knowledge of the safe possession and use of firearms, this should be raised with the relevant Arms Manager and consideration may be given as to whether the applicant should attend the Firearms Safety Course so that they can refresh their practical firearms skills (although this is not compulsory).

## **Requesting medical information as part of a licence application**

Section [24A\(3\)](#) provides that a member of the Police may, for the purpose of determining whether a person is a fit and proper person to be in possession of a firearm or an airgun seek and receive any information that the member of the Police thinks appropriate and consider information obtained from any source.

If Police are concerned during the licence application process about an applicant’s physical or mental health, it is appropriate to request a medical assessment from the applicant or information from their health practitioner or medical/well-being professional who can speak to the applicant’s health.

The applicant should be engaged with and asked to provide the assessment or information from their health practitioner themselves in the first instance.

Any situations where Police may need to obtain the information directly from the health practitioner should be discussed with a manager first. The manager will need to consider whether one of the other Information Privacy Principle 2 exceptions apply if it is not possible or feasible (for example, for safety reasons) to obtain authorisation from the licence holder (and seek advice as necessary).

# Referees, interviewing and additional interviews

## Referees

Applicants need to supply the names and addresses of at least two people (referees) of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm or airgun.

These referees need to be:

**Referee 1** - next of kin: usually a current spouse or partner. If there is no current spouse or partner, a near relative of the applicant who knows the applicant well should be provided. In the absence of a spouse, partner, or near relative the applicant will need to name a close associate who knows the applicant well.

Additional referees are required if:

- the duration of the applicant's marriage or relationship is of less than 12 months at the time of application
- the applicant's spouse, partner, near relative or close associate is overseas. The applicant will also need to provide details of a further person who resides in New Zealand who knows them well
- the purpose of this additional referee is to ensure the applicant has a community or social base in New Zealand
- the applicant is 16 or 17 years old. The applicant will also need to provide details of their parents or legal guardians, who should be interviewed or spoken to regarding the applicant's suitability to possess and use firearms.

There may be exceptional cases where an applicant does not have a next of kin or near relative that knows them well. When this occurs, all relevant information outlining the circumstances must be included in the file and Police should interview additional referees to determine the fit and proper status of the applicant. In cases like this, the application must be reviewed by an Arms Manager prior to a decision being made.

**Referee 2** - unrelated: a person who is not related to the applicant (and not a close associate who has been used as Referee 1), knows the applicant well, preferably for a period of at least 3 years, who resides in New Zealand, and is at least 20 years old (cannot be current or former spouse or partner).

An unrelated referee can be accepted if they have known an applicant for less than 3 years. The key criterion for an unrelated referee is that they know the applicant well and can speak to their character.

Where a nominated unrelated referee has known the applicant for less than three years, their suitability can be questioned, but they can also be interviewed to determine if they know the applicant well. If upon interview it is determined that they do not know the applicant well enough, then we should request an additional unrelated referee.

If a decision is taken to accept an unrelated referee who has known the applicant for less than three years

and they are determined to be suitable following the interview, this should be recorded, as should any decision to seek an additional or alternate referee.

This person must have regular face-to-face contact with the applicant, which must include in person contact and can include virtual contact. An online/virtual only friendship would not make for a suitable referee and in these cases the applicant must provide another referee with whom they have regular face-to-face (physical) contact.

**Note:**

- The two referees named by the applicant should not be related or closely associated to each other and should not live together.
- Due consideration needs to be given to any possible power imbalance between the unrelated referee and the applicant. For example, an employer may provide the details of their employee as an unrelated referee if that person knows the applicant well and sees them face-to-face regularly. The law does not preclude an employer from providing the details of their employee as an unrelated referee (and vice versa) however there is no requirement for Te Tari Pūreke to hold the interview if there are concerns about a power imbalance. It is therefore not unreasonable to ask the applicant to supply another unrelated referee in this instance.
- Applicants should not be persuaded or influenced to alter their choice of referee unless the person nominated does not fit with the characteristics of a referee listed in this policy or declines to be a referee. In which case the substitution, and the reason for it, must be recorded in the application file in addition to the original choice.
- Where particular concerns are raised about someone living with the licence applicant (who have not been nominated as referees), they can be interviewed, but the backgrounds checks would usually suffice.

**Assessing the suitability of a referee**

Some [basic checks](#) need to be carried out by staff to ensure that the nominated referees are suitable. This includes a NIA background check on all referees. Staff should follow the 'Background Checks Process Guide' on the Firearms Hub when assessing the suitability of referees.

If the referee is themselves a licence holder and the background checks uncover information about them that may impact on their own suitability ability to safely continue to possess firearms, staff should provide the Firearms Resolutions Team with the appropriate information so that the licence holder can be assessed and actioned separately.

Staff should satisfy themselves that the referee has known the applicant for a sufficient period and that they can attest to the applicant's suitability to possess and use firearms. Firsthand witnessing of an applicant's usage of firearms or other situations that require a health and safety perspective are most applicable.

There is no set timeframe but, in most cases, a referee should have known the applicant for 3 years or more be able to answer the referee questions usefully and accurately.

## Previous spouses or partners

The applicant must provide the names, addresses, and contact details of previous spouses, civil union partners and de facto partners during the 5 years prior to the application. It is expected that these individuals will be interviewed.

These interviews can be conducted by phone in the first instance to enable an initial assessment of the information gathered. Face to face, or follow up interviews, can be conducted on a case-by-case basis, with approval from an Arms Supervisor.

If the previous spouse or partner refuses to be interviewed or cannot be contacted, Police can consider whether it gives grounds to consider an applicant not fit and proper, but it does not have to determine the outcome, especially if the applicant willingly provided the information of their previous spouses.

In cases where a previous spouse or partner cannot be interviewed, additional interviews should be considered.

## Police employees as referees

To ensure Police maintain integrity and to not inadvertently create a conflict of interest, Police employees cannot ordinarily be referees, whether in their capacity as a private individual or otherwise for firearms licence applicants.

There are acceptable exceptions however, and these are when the Police employee is one of the following:

- the spouse or ex-spouse,
- partner
- parent/guardian of the applicant (both parents should be interviewed in these cases (regardless of whether the applicant is 16 or 17 years old)).

Refer to '[Managing conflicts of interest](#)' in Police Instructions.

## Further information about additional interviews

An inquisitive and investigative approach is needed to ensure a fully informed decision can be made. In all cases referees nominated by the applicant must be assessed as to whether they are suitable and appropriate. Where necessary, alternative referees can be [requested](#).

It is important to ensure the information gathered from the referees is detailed enough to ascertain whether the applicant is suitable to obtain/retain a firearms licence. Police may seek information that is appropriate for the purpose of determining whether the applicant is fit and proper to possess firearms or airguns and consider information obtained from any source.

District Arms Office staff and Arms Vectors must consider whether it is necessary to interview other persons when assessing an applicant's fit and proper status.

Some nominated referees may not know the applicant well enough to provide the detailed information required. In this case, it will be necessary to speak to other persons in addition to the referees supplied.

Other adults living at the applicant's address, or others who have unrestricted access to the property, may also be interviewed to ensure there are no concerns raised by them or about them and that they will not have access to any arms items.

[NIA checks](#) are required of all persons identified during the application or vetting process to be living at the applicant's address or having unrestricted access to the applicant's firearms.

In cases where:

- someone at the address may not be fit and proper and could impact upon the applicant's fit and proper status, or
- there is a suggestion of a family dynamic that might influence the fit and proper status of the applicant, or
- something about the lifestyle or personal circumstances of the applicant or anyone living at the address could call into question the fit and proper status of the applicant.

Consideration must be given to additional interviews with other persons in the household, including family members of the applicant who are 16 years of age and older (see guidance on interviewing 16- or 17-year-old people during the firearms licensing process below), flatmates or other friends, neighbours, or colleagues.

Additional interviews do not need to cover the full spectrum of questions asked of a referee and should focus on areas requiring clarification. All findings must be recorded in the relevant interview form.

## Conducting and recording an interview

Staff who conduct interviews must ask appropriate and inquisitive questions especially where further clarity is required from the applicant or referees.

All interviews must be fully recorded in the licensing file. It is important that applicant answers are recorded in detail so that the decision maker is provided with all the relevant context and information.

The interviewing staff member must be satisfied that the questions and the answers are sufficient for them to have confidence in the pending or recommended outcome.

In all cases referees should not be interviewed in the presence of the applicant.

## Order of interviews

Interviews must be conducted in the following order: (*unless* an explanation outlining the reasons for a change in the order is attached to the licence file, see **Note** below)

1. the unrelated referee,
2. the next of kin referee,

### 3. the applicant.

Ex-partners and ex-spouses should be spoken to before the applicant.

Any additional individuals (such as additional unrelated referees) should also be interviewed before the applicant.

In certain cases, referees may need to be interviewed more than once. This may occur when additional confirmation is required from the referee (or other sources) before interviewing the applicant, or if the applicant provides new information that necessitates follow-up interviews with the referees (although this is rare).

If any information emerges from unrelated, next of kin referee or ex-partner interviews that could impact on the applicant's fit and proper status, this must be put to the applicant in their interview. This informs why the applicant interview should be the last interview undertaken.

**Note:** The order of interviews was designed to enhance effectiveness and robust decision making. In cases where the order of interviews may need to change, such as when an unrelated referee wants to reschedule their appointment and rescheduling the next of kin interview is not possible, an explanation outlining the reasons for the change must be attached to the licence file. These cases should be treated as the exception, and not the rule.

## **Applicants must have the opportunity to respond to anything that could impact on their application**

There may be rare instances where referees are interviewed after the applicant. If this occurs, the reason for deviating from policy must be fully recorded in the file and all information provided by the referee must be reviewed in full to identify any new information or information not covered in the applicant interview. Any new information or information not covered in the applicant interview must then be put to the applicant.

When a staff member learns information from a referee that is relevant to the applicant's fit and proper status but may present a safety risk to that referee if revealed to the applicant, staff should balance the right of the applicant to know that information with the referee's right to privacy and right to safety. If the information is completely new information - information Police has not received at any other point during the vetting and processing of the application - staff should consult their supervisor.

If there are any concerns with information disclosure, staff should seek further advice from their manager.

## Targeted Renewal Approach

**Note:** this section is supplementary to the referee interview sections. It is not intended to change any other aspects of this chapter - continue to follow other relevant sections of this chapter as required.

The [Targeted Renewal Approach](#) (TRA) outlines the supplementary approach to licence applicants who are applying for a new licence before expiry of their previous licence (“renewals”).

The approach does not apply to:

- first time firearms licence applications.
- applications received after a firearms licence becomes expired, surrendered or revoked (see [Pending and Reinstatement section](#) instead for relevant interview information)

The approach does apply to:

- Licence “renewal” applications that include “renewals” for specific endorsements and;
- Licence “renewal” applications that include first time applicants for specific endorsements.

In most cases, it can also apply to first time endorsement applications that are received after a firearms licence has already been “renewed”. For example, a licence holder may undergo TRA for their firearms licence and two years later may apply for their bona-fide collector endorsement for the first time. This endorsement application could undergo the TRA process. Likewise, if there are concerns, the NOK or unrelated referees could be spoken to again to ensure the most up to date information is received.

Specific [endorsements](#) where the approach applies are:

- pistol target shooting endorsement
- bona fide collector endorsement (including for prohibited item)
- memento/heirloom endorsement (including for prohibited items)
- theatrical endorsement (including “living history” and for prohibited items)
- theatrical armourer endorsements (including “living history” and for prohibited items)

“Renewal” applicants who hold any other endorsement, such as dealer employee, or prohibited pest control, are not to be assessed under this TRA process and are to continue following existing processes.

### TRA as a complexity tool

The TRA outlines how to approach interviews for applicants based on the complexity of the application. The complexity is assessed by looking at the applicant’s history of safe possession and use of firearms, health history, how long the applicant has known their referees, and the applicant’s compliance with the legislation.

To align with operational policy for first time licence applicants, the minimum expectation is that unrelated referees know the applicant well. As a guide this means an [unrelated referee](#) should have known an applicant is at least three years. As detailed in the referee section previously, an unrelated referee who has known an applicant for less than three years can be accepted, but with TRA complexity must be escalated at least to moderate (if previously determined to be low complexity).

The process documents and supplementary information relating to the TRA can be found on the [Firearms Hub and must be used and followed](#).

## Assessing an application to determine the complexity level

An application is assessed against information already held about the applicant in NIA and the information provided on the application form. Key information from NIA to consider includes any occurrences, interactions with Police, links, clearances and charges and previous licence and endorsement application files.

From this, an application is assessed as either low, moderate or high complexity by the Arms Administrator when preparing the vetting pack. The complexity level determines how the application is processed, including which interview methods and forms are used.

## Referee Screening Call

**Note:** The Referee Screening Call **only** applies to Low complexity applications. The Referee Screening Call must **not** be used for Moderate or Significant complexity applications.

The Referee Screening Call can only be conducted on the Unrelated and Next of Kin referees. It cannot be conducted endorsement specific referees or ex-partners.

Referee screening replaces the full interview process for Unrelated and Next of Kin referees on low complexity applications.

The referee screening call is a short phone-based interaction that utilises a specific question set to verify how referees know the applicant and to record their support (or not) of the application. The question set incorporates endorsement related questions when an endorsement application is involved.

Where a referee undergoes the referee screening and concerns with the application are identified that suggests the complexity of the application should be raised, the caller must raise this with a supervisor.

- If the complexity remains low after a supervisor review, the reasons for this must be recorded in NIA.
- If the complexity is raised after a supervisor review, this must be recorded in NIA and the TRA process for moderate or significant complexity must then be followed.

## **Changing the complexity level after an initial assessment**

The TRA assessment of an application is an initial assessment and may change during the application and vetting process. If information emerges during the vetting process that requires reconsideration of the application and recategorization to a higher complexity level, this should be undertaken.

There should be no lowering of the complexity level during the process unless a genuine mistake has been made during complexity assessment. If a complexity level is lowered the reasons for lowering the level must be justified and properly recorded.

## **Referees who request an in-person interview**

If during a referee screening call the unrelated or next of kin referee requests an in-person interview, staff should first check the reasons why with the referee and raise the request with their supervisor.

In most cases, an in-person interview should be accommodated, especially if the request suggests that the referee may have something significant to discuss with the vetter.

## **Unrelated referees who do not want to be involved in the process**

Some nominated unrelated referees may not want to be involved in the process. In these cases, any comments they make or any information they do provide should be recorded. The applicant must be asked to provide an additional unrelated referee in these cases.

## **Pending and Reinstatement approach - unrelated referee interviews**

There is also an approach that enables more efficient processing of first-time licence applications (including applications received from licence holders recently expired or was previously surrendered or revoked more than 5 years ago).

The approach with these applications is that unrelated referee interviews can be done by video.

Similar to the TRA, where it becomes apparent that interviewing by video is either not viable or an in-person interview would provide more helpful information, Police should carry out an in-person interview rather than relying on the video interview.

Also similar to the TRA, while there can be an escalation in processes, there should not be a de-escalation unless a genuine mistake has been made during complexity assessment. If a complexity level is lowered the reasons for lowering the level must be justified and properly recorded.

## **Speaking with 16- or 17-year-old people who are applicants for a firearms licence or live in (or frequently visit) an applicant's household**

When speaking with a firearms licence applicant who is 16 or 17 years of age, staff must be aware that while they may appear grown up, they are still at a vulnerable age.

Where a 16- or 17-year-old lives with an applicant or frequently visits an applicant's address, staff need to

consider firstly whether Police need to or should talk to them. To make this decision, staff must consider what information they expect to obtain from the youth and whether they already have that information from another source. If they are still contemplating speaking to the youth, they then must consider whether they can do that in a way that ensures that the youth's vulnerability is recognized.

Their immaturity and (in some cases) possible literacy and communication difficulties mean that they may find it more difficult to understand concepts and may need further (simpler) explanations of some things.

A request by a 16- or 17-year-old to have a support person with them when they speak to the Arms Vetter, so that they feel more comfortable, should be facilitated. However, the support person should not be the applicant for the firearms licence.

Applicants who are 16 or 17 years old are participants in the process and as such they will need to be interviewed bearing in mind the matters raised above.

## Fit and proper person

A fit and proper person is a person of good character who:

- can be trusted to possess and use firearms safely and responsibly
- who acts in the interests of personal and public safety
- who understands the possession and use of firearms is a privilege
- who understands the Arms Act and Arms Regulations as it applies to them, and will abide by these and other laws of New Zealand.

Section [24A](#) of the Arms Act 1983 and regulation [15A](#) of the Arms Regulations 1992 provide that Police may find that a person is not a fit and proper person to be in possession of a firearm or an airgun if satisfied that one or more of the circumstances set out in Section [24A\(1\)](#) and the circumstance in regulation [15A](#) exist. See also [Disqualified Persons](#).

Both sections [24A](#) of the Act, and regulation [15A](#) of the Regulations include the word 'may'. This contrasts with disqualifiable offences outlined in [Appendix One](#) and in section [22H](#) of the Act. Disqualifiable offences are a must - if an applicant has one of those offences, they must be disqualified from applying for a firearms licence.

For [24A](#) and [15A](#), Police do not necessarily have to find a person to be not fit and proper and decision making on these bases requires judgement and consideration and must be reasonable.

Consideration should be given to the severity of the criteria met, behaviour over time, whether the applicant has demonstrated disregard for law over a sustained period or whether they have made singular mistakes and gained insight into past poor behaviour. Past offending and poor behaviour can be further explored during the vetting process for each applicant.

For more information about fit and proper, and decision making about fit and proper, see the [Compliance \(revocations etc\) arms](#) chapter. The content in this chapter assists staff with the fit and proper assessment. It provides information about the fit and proper criteria and explains the appropriate considerations for a fit and proper assessment, including how to review the [different types of Police warnings](#).

## National Security Group - Persons of Interest

The National Security Group (NSG) within Police work collaboratively with other districts and national specialist units to develop and deliver operational strategies for countering terrorism, violent extremism, and foreign interference.

'National Security Person of Interest (**POI**)' is a term used by Police for the cohort managed within the National Security Operating Framework. It is used for a person or entity for whom there is reasonable grounds to believe they may support, aspire to be, are involved in, or contribute to extremism, which could ultimately result in acts of a violent extremist or a terrorist nature.

A crucial step in preventing acts of violent extremism or terrorism includes prohibiting National Security POI's from holding firearms licences.

The National Security Group will provide the Te Tari Pūreke with information to enable them to make informed decisions about the applicant's suitability to have a firearms licence. Te Tari Pūreke will then collaborate with NSG and keep NSG informed about licensing decisions with respect to POIs.

By virtue of being a POI, it should be inferred that the individual is not a fit and proper person to hold a firearms licence.

If a POI applies for a firearms licence, follow the process in [Appendix B](#) of the 'Compliance - Revocations, etc. (Arms Act)' chapter.

## Secure storage

### Secure storage requirement for applicants

Police must not issue a firearms licence unless satisfied that the applicant's storage facilities for their firearms and ammunition have been inspected by a member of the Police and are compliant with the requirements for the secure storage of firearms and ammunition.

A common query from applicants is whether they need to have secure storage installed on their premises even if they do not currently possess or intend to possess a firearm.

Regulation [19\(1\)\(c\)](#), Arms Regulations 1992, specifies that all firearms licence holders must take reasonable steps to ensure that any firearm in their possession is secured against theft. Regulation [19\(2\)](#) outlines what those reasonable steps are.

Regulation [19\(3\)\(a\)](#) specifies when the secure storage (reasonable steps) must be approved, and states that the steps taken under [19\(2\)](#) must be approved at the time the holder's firearms licence is issued (or renewed).

This clause intentionally takes into consideration that a person may not already have a licence and therefore cannot have possession of firearms, is intentional, but still requires security on their premises.

Section [24\(1\)](#), Arms Act 1983, specifies that a firearms licence must be issued when certain conditions have been met, which includes that 'the applicant's storage facilities for their firearms and ammunition have been inspected by a member of the Police and are compliant with the requirements for the secure storage of firearms and ammunition' (Section [24\(1\)\(b\)\(i\)](#) refers). This explicitly infers that the applicant must have secure storage installed and available for inspection prior to the issuing of a firearms licence.

### Ongoing obligations

Firearms licence holders must continue to comply with the conditions specified in Regulations [19](#), [19A](#), [19B](#), [19C](#), and Regulation [28](#) and [28AAA](#) (for endorsed firearms) of the Arms Regulations 1992.

### Recommended methods and standards

The '[Secure Storage Guidance for Firearms](#)' document provides guidance on how conditions for the security of firearms and ammunition set out in the regulations can be met by applicants and licence holders.

The recommended methods have been developed to meet the standard required in Regulation [19](#) of the Arms Regulations 1992.

It is important to remember that the recommended methods are considered best practice and, when installed correctly, will help the firearms licence holder (or applicant) meet the required standard of secure storage.

If a staff member recommends approving secure storage that is not in line with stated best practice or the recommended methods as outlined in the guide, there would have to be a good reason for the approval and the approval would need to be endorsed by a supervisor or manager.

The staff member should fully explain in their report what the reason for the alternative from best practice is and why they are recommending it, or if other measures have been added to the total security set up that makes the whole set up appropriately secure. Staff should look at the materials, method and quality of construction, other layered security features (e.g. hidden security, cameras, home alarms) and whether it will prevent access being gained by a child, unwell person, or opportunist burglar.

Staff should gather as much information that is required in order to be informed enough to make sound judgements about secure storage. If there are issues at a later date, we would likely be asked to justify our decision to approve secure storage that uses methods outside of our recommended methods.

## Access concerns

As per section [24\(2\)](#) of the Arms Act, a firearms licence must not be issued, if in the opinion of a commissioned officer of Police, access to any arms items at that address would be reasonably likely be obtained by any person who:

- is disqualified from holding a firearms licence; or
- has had their firearms licence revoked on the ground that they are not a fit and proper person to be in possession of a firearm or an airgun; or
- is not a fit and proper person to be in possession of a firearm or an airgun.

Police should be vetting any persons who reside at the primary residence of the applicant and consider if any other people who reside there meet one of the above criteria. If they do, Police must determine whether the person would be reasonably likely to access any firearms at the address. In cases where it is determined that access is reasonably likely, or there are significant concerns about a person at the address, consideration of refusal may be required.

## What does “reasonably likely” mean with respect to access?

It is not possible to provide an exhaustive list of examples where access would be considered reasonably likely as each case will have its own unique circumstances or factors. This guidance is intended to assist decision makers during their assessments.

“Reasonably likely” means a real risk, but not necessarily a probability, that a person holding the firearms licence, is practically unable to prevent unauthorised access to the firearm, due to a failure to exercise adequate control over the firearm.

The practical inability may arise from a power imbalance (for example, if the firearms holder is a child living with their unlicensed parent) or coercion/influence from criminal third parties or an intimate partner.

Physical proximity between the unlicensed party and the firearm tends to increase the reasonable likelihood that the unlicensed party will have access to the firearm.

New Zealand matters that inform this interpretation include:

*Helming v Police [2020]* - Helming (H) had a gang member (M) living with him, who was dishonest with H about his previous interaction with Police. The court found it reasonably likely that M would gain access to H's firearms as H did not take adequate measures to deny access.

*Constable v Police [2022]* - an example of a spouse (who is not fit and proper) exercising control. Constable (C) had their firearms licence application refused. His wife was also a licence holder, and it was found she had an inadequate understanding of what firearms and ammunition were in her possession and inadequate control over who had access.

The court found she did not have proper control as husband had more knowledge of the firearms in the safe (and other things) and concluded that the wife did not exercise proper control over the firearms.

*Stedman v Police [2022]* - Stedman's licence was revoked due to his firearm not being stored securely (kept under a blanket). His son, who was living with him and who had mental health issues, accessed the firearm and shot himself.

An Australian matter discussing a similar meaning provides further insight:

*Dept of Agriculture and Rural Affairs v Binnie [1989] VR 836, 842*, as referred to in *USTLII* -[2019] *AIAdminLawF* 24; (2019) 97 *AIAL Forum* 75

*Reasonable likelihood is a chance of an event occurring or not occurring which is real - not fanciful or remote. It does not refer to a change which is more likely than not to occur, that is, one which is "odds on" or where between nil and certainty it should be placed. A chance which in common parlance is described as 'reasonable' is one that is 'fair', 'sufficient' or 'worth noting'.*

*The word likelihood in reasonable likelihood was held to infer a standard which is less definite than probable.*

## Bespoke security arrangement with Otago University in Dunedin

There is a bespoke security arrangement between Otago University in Dunedin, Police and Te Tari Pūreke. This bespoke arrangement applies only to:

- students who are licence holders and;
- who attend Otago University in Dunedin and;
- reside in Dunedin on the Otago University campus or in the areas surrounding the campus. Their residence will either be a halls of residence, other university owned accommodation or privately owned flat.

The discretion for this arrangement has been applied in the interests of wider public safety and through consultation with Te Tari Pūreke, Southern District Police and Otago University.

Otago University in Dunedin offers a 24-hour accessible armoury for its licensed students. It is the preference of Te Tari Pūreke, Southern District Police and Otago University that students do not store firearms at their residential premises. The Otago University armoury has been inspected and approved by Te Tari Pūreke and licensed students are required by the University to abide by its terms of use.

For an applicant or licence holder to be eligible for this bespoke arrangement they **must** provide a letter from Otago University confirming that they are an enrolled student. By confirming this, we can be assured that the student is bound by the rules in place at Otago University.

All other usual licence criteria and requirements still apply.

The applicant or licence holder must have the below prescribed conditions applied to their licence by a Commissioned Officer within the Firearms Compliance Team.

The prescribed conditions should be reviewed every 12 months to check whether the licence holder is still eligible for the bespoke arrangement or not.

### Prescribed conditions to be added to licence

Whilst you are a student at Otago University in Dunedin:

- your approved security premises is the armoury at Otago University [address]. You must store all your firearms and ammunition at the Otago University armoury.
- you must not store or leave any firearms and ammunition at [insert residential address] or any other address where there is no firearms security at the address.

You must advise Te Tari Pūreke within 30 days if you are no longer a student at Otago University or intend to no longer use the Otago University armoury as your security premises.

Your current residential address is recorded as [address], if you move address, you must notify Te Tari Pūreke within 30 days of moving.

**Important:** this bespoke arrangement is specific to firearms licence holders or applicants who are Otago University students in Dunedin only. It **must not** be applied to any other licence holders or applicants in New Zealand.

## Duration of a firearms licence

A person who is the holder of a firearms licence may, before the expiration of that firearms licence, apply for a new firearms licence. Section [23\(3\)](#) of the Arms Act 1983 refers.

Every application for a firearms licence is an application for a new licence whether the applicant holds, or has previously held, a firearms licence.

A firearms licence has a duration of either 5 years or 10 years unless it is a licence issued to a visitor who is in New Zealand for less than 12 months.

A firearms licence of 5 years duration is issued to a person:

- who has never held a firearms licence
- whose is applying for a firearms licence and has previously surrendered a firearms licence
- whose firearms licence was previously revoked
- whose firearms licence had expired (without an application being made prior to the expiry date).

A firearms licence of 10 years duration is issued to a person who holds a current licence at the time of application (a “renewal”).

Te Tari Pūreke may send reminder messages of a pending licence expiry, but failure to receive such a reminder does not provide the licence holder grounds to challenge the expiry and the consequences which flow from expiry of the licence. The licence holder is responsible for managing their licence status and to ensure that they do not put themselves in the position of possessing firearms, ammunition, or other arms items without a licence.

### Duration of a firearms licence - applying for a new firearms licence before expiry of a current licence

As a result of the Arms (Licence Holders' Applications for New Licences) Amendment Act 2022, section [25A](#) was inserted into the Arms Act and outlines that if the holder of firearms licence applies for a new firearms licence before expiry of their current licence, then their current licence continues in force with its conditions and privileges until such a time as a decision on the new licence application is made.

This means licence-holders may continue using firearms as usual if their renewal application is not determined before the expiry of their current licence.

Section [25A](#) also outlines that the exceptions to this are if a firearms licence is sooner revoked and surrendered. This means that the licence holder can be temporarily suspended or revoked should any fit and proper concerns arise whilst the application is being processed.

The effect of this amendment to the Arms Act is that when a new (second or subsequent) firearms licence is issued, it is to be dated from the later of:

- the date the previous licence was to expire, or
- the date on which the new licence is issued.

And will last for 10 years from that date.

For example, if a person's firearms licence expires on 30 June 2025, and they apply before this then their licence will continue in force until a decision is made. If they were to apply early and well in advance of expiry, on 1 March 2025 for example, and the decision was made to approve a new licence on 15 June 2025, then the new licence would be issued with the start date to be 30 June 2025.

If a decision is made after 30 June 2025, for example, the approval is made on 30 August 2025, the licence will be issued from the 30 August 2025.

An effect of this legislative change is that a person can seemingly possess a licence that lasts for more than ten years. If they apply before expiry and a decision is not taken on their application before expiry their licence will continue in force. This can mean, if the vetting and approval process takes a significant amount of time, a person can hold a firearms licence that lasts beyond 10 years. The possible risk associated with this is considered acceptable and puts the onus on Police to firstly, engage with our community to encourage application well in advance of expiry of a current licence, and secondly, to make timely decisions on applications.

## **Duration of a firearms licence - effect of COVID-19 and Cyclone Gabrielle extensions**

In 2020 and 2021 in response to COVID-19, legislation was introduced that allowed for licences, both firearms and dealers, and any endorsements on them, to remain in force until a determination was made on a licence application.

Further, following Cyclone Gabrielle, additional legislation was introduced that allowed for firearms licences, and any endorsements and conditions, to remain in force beyond the standard 10-year period.

The effect of these has been that some firearms licences could continue in force for longer than 10 years, but only on the basis that the licence holder had applied for a new licence and was awaiting a determination on their application. Once a determination was made, and if approved, the new licence duration would be for the standard 10 years. While the specified periods for these legislative extensions have ended, there remain licence holders who might have benefitted from these extensions and who could have in their NIA record a licence that lasted longer than 10 years.

Further information on these extensions can be found [here](#), [here](#), and [here](#).

## Licence cards

Licence cards are produced by a contracted card manufacturer. The relationship with the card manufacturer is managed by the National Support Team - Te Tari Pūreke - Firearms Safety Authority and any card queries must be referred to [firearmslicence.applications@police.govt.nz](mailto:firearmslicence.applications@police.govt.nz).

Cards will be sent to the applicant directly from the card manufacturer.

All new firearms licences, dealer's licences, and dealer employees licence cards issued contain security features, including:

- a three-digit version number.
- the licence holder's date of birth embossed under their photo.
- endorsements are named, as opposed to being identified with letters.

The three-digit version number is a key feature that ensures only one version of the firearms licence in circulation is valid.

Licence cards held by licence holders prior to the security features being implemented do not have version numbers and will be replaced as the licences are replaced or reprinted.

## Lost and stolen licence cards

Lost and stolen licence cards create a risk of fraudulent use within the community.

When a lost or stolen licence card report is entered into NIA, it will appear on the Firearms Licence Review report (FLR). The FLR is managed by the Firearms Resolutions Team in Te Tari Pūreke.

When a licence holder advises Te Tari Pūreke of a lost or stolen licence card through other means (for example, by calling the Te Tari Pūreke 0800 phone number), the licence holder should be advised to complete an online 105 form or call 105 so that Police can log the report in NIA.

Upon receiving a lost or stolen card report, the Firearms Resolutions Team at Te Tari Pūreke will update the firearms licence card record in NIA to "Card Stolen/Lost", making the licence card invalid in Licence Checker.

In all lost or stolen card cases, the Resolutions Team should contact the licence holder and advise them to order a replacement licence card, if they have not already done so.

## Licence card not received by approved applicant after application process (lost in post)

Lost and stolen cards include those that have not been received by a licence holder after the licence card is printed and posted (i.e. the card is lost in the post).

Licence cards lost in the post must still be reported via 105 and flagged in NIA as "Card Stolen/Lost".

The matter should then be followed up by checking the print history in NIA to ensure that the licence was produced and sent.

If the licence card was produced and sent, then the licence holder should allow up to 3 weeks for the licence card to arrive at their address, or with Police (returned to sender).

if the licence card has still not been received by the applicant within a reasonable timeframe, a replacement licence card can be ordered at no cost to the licence holder. The licence card should be printed and posted to the licence holder's nearest Arms Office for pickup.

If the original card turns up later, the licence holder should be advised to destroy the original (and now invalid) card.

## **Removing the Card Lost/Stolen flag**

Once the licence holder has made a replacement card request (see below Licence holder requesting a replacement licence card), the new card should be ordered as soon as possible.

When the replacement card is printed, the Card Stolen/Lost flag will automatically be removed from NIA.

The Card Stolen/Lost flag can be manually removed by the Firearms Resolutions Team if a licence holder recovers their lost or stolen card prior to ordering a replacement card. Requests to manually remove a Card Stolen/Lost flag must be sent to the Firearms Resolutions Team.

## **Licence holder requesting a replacement licence card**

A licence holder who applies for a replacement licence because their firearms licence has been lost, stolen, destroyed, mutilated, or has become illegible is required to provide proof of this to the satisfaction of a Police employee.

Such proof can be:

- an email to Police or Te Tari Pūreke
- a written statement to Police
- a statutory declaration
- through making a lost/stolen licence card report to Police

Regulation 32 of the Arms Regulations 1992 refers.

There is a fee for the issue of a replacement licence, which must be paid before Police will issue a replacement licence card. (See the Schedule 1 (Fees Payable) in the Arms Regulations 1992).

A brief outline of the reason why the licence card has been reproduced must be entered into the person's licence record.

# Firearms licence holder obligations

## Registry requirements

The [Firearms Registry](#) arms chapter details the full Registry requirements for licence holders.

Firearms licence holders have an initial obligation to enter their information into the Registry if they have an activating circumstance. The list of activating circumstances is found [here](#).

Firearms licence holders also have ongoing obligations when they have a notifiable event to provide information to the Registry about:

- changes to information recorded about the licence holder; and
- details about events involving arms items and ammunition (e.g., arms items acquired or supplied/lost/disposed of), including details of the arms items concerned.

Information about people who become licence holders on or after 25 June 2023 and their firearms will be captured as they enter the Registry for the first time and then as they engage in transactions involving specified arms items and ammunition.

A firearms licence holder who made an application before 24 June 2023 is not considered to have had an activating circumstance.

## General conditions of firearms licence

Every firearms licence is subject to general conditions that the licence holder must abide by ([s24B](#)). These general conditions are:

- when using a firearm, they must not act in a way that poses a risk to themselves or others
- they must produce any firearm that they are carrying to a member of Police on demand
- they must inform a member of the Police if any of the circumstances under section [24A\(1\)](#) (fit and proper) apply to them
- they must inform a member of Police if their health practitioner changes and provide the updated contact details for their health practitioner. This specific condition does not apply to a visitor firearms licence.

Licence holders must also permit a member of Police to inspect all firearms in their possession, including the place or places where the firearms are or will be kept, and the place or places where the ammunition is or will be kept. This also includes the security arrangements in any vehicle used by the licence holder to transport their firearms.

Before a member of Police can inspect the arms items and security arrangements, the licence holder should be provided 7 days' notice of the inspection, and, for those purposes, to enter at all reasonable times upon the premises where that place or those places are situated.

In practice this will usually mean that Te Tari Pūreke staff will engage with the firearms licence holder via

phone to arrange a mutually suitable date and time for an inspection(s) at all addresses or locations where the licence holder stores or intends to store firearms and ammunition.

As section [24B](#) requires notice to be given to the licence holder, the service requirements for notices in section [72A](#) will need to be complied with.

In accordance with section [72A](#), a notice or document required or authorised by the Act to be served or given to a person must be in writing and is considered sufficiently served on or given to the person if it is:

- (a) delivered to that person; or
- (b) left at that person's usual or last known place of abode or business or at an address specified by that person for the purpose of any application made under this Act; or
- (c) posted in a letter addressed to that person by name at that person's last known place of abode or business or at an address specified by that person for the purpose of any application made under this Act; or
- (ca) transmitted to an electronic address that the person has provided as an address for service; or
- (d) made available to that person electronically through the registry, so long as an email is sent to an address supplied by the person to tell them that the notice or other document has been made available and the person has agreed to receive notices or documents in that way.

The notice to the licence holder confirming the arrangement will need to be "served" by one of the above means. Matters to consider include:

- Notices may be served by email where the person has provided their email address as an address for service. Upon initial conversation with the licence holder, staff should ask the licence holder if they agree to their email address being used as the address for service of this notice, and should confirm their email address.
- Notices served by post will be open in all cases because everyone will have a last known address, but they will take longer to arrive so it is recommended that when posting, 4 working days should be added to the minimum 7-day notice period.

Keep a record of the method and date of service (for example, for a notice sent by post, keep a copy of the letter sent with the address it was sent to shown on it, and a record of the date it was sent).

## Producing a firearms licence

Every holder of a firearms licence should produce their licence for inspection whenever required to do so by any member of Police.

If they are unable to do so, a licence holder may instead produce their licence card for inspection, if required, to a place specified by Police within 7 days after being required to produce (section [26](#)).

## Notification of change of address/contact details

Every holder of a firearms licence who changes their address must, within 30 days after doing so, give notice in writing to a member of Police (Arms Act, section [34](#)).

Endorsement holders also need to notify Police (in advance of their proposed move) of the arrangements they have made for the safe custody of the pistol, prohibited firearm, prohibited magazine, or restricted weapon during its shift to the new address.

Licence holders should be encouraged to advise Police of any change of address even though the 30-day period may have elapsed. Failure to advise change of address is an offence that is punishable by a fine of up to \$2,000. It is expected that staff will follow Te Tari Pūreke's regulatory approach and engage, educate, encourage and enforce compliance where appropriate.

## **How to notify a change of address**

Licence holders can easily notify their change of address by using any of the options outlined on the TTP webpage [Change of circumstance](#). Licence holders may also provide written notice via email or by visiting a Police station.

No matter the method to notify a change of address, the details of the change of address/contact details must be entered in NIA and be tasked follow up as required (e.g. a physical security inspection).

When changing address details, staff members should ensure that they are amending the correct person's record. This is done by matching **all** the supplied parameters with those existing in NIA: firearms licence number; full name; date of birth; phone and cell phone numbers; email address etc.

## **Police actions upon receiving change of address notification**

When a notification for a change of address is received it is important to record the updated address in NIA promptly.

The requirement for licence holders to install firearms security on their premises and to secure any firearms in their possession is a standard condition on every firearms licence. This includes installing firearms security at their new premises when they change address.

Security for firearms is a priority and major responsibility for licence holders as it has been demonstrated to reduce death and injury in the home.

There is a targeted risk-based approach managed by the Firearms Compliance Team that determines whether a security inspection is required after a change of address notification.

It is important to ensure a security check is undertaken if there are any risks or concerns of any nature. For further information about the targeted risk-based approach, visit the Firearms Hub.

## **Lost, stolen, or destroyed firearm etc.**

A licence holder must immediately notify Police if their firearm is lost, stolen, or destroyed, give information about the matter to Police (section [66A](#)) and enter the event into the [Registry](#).

It is good practice for a licence holder to keep a record of the serial number and details of their firearms

so that an appropriately specific description of the lost/stolen property can be given to Police in the event of loss, theft etc. The Registry will assist licence holders in keeping a good record over the coming years.

## **Giving identifying information to Police when in possession of arms items or ammunition**

A licence holder is obliged to give identifying information to Police on demand when in possession of an arms item or ammunition (section [66B](#)).

A licence holder should carry their licence card with them when in possession of an arms item or ammunition.

## **Carry licence card when receiving, purchasing or borrowing a firearm**

Anyone who sells or supplies a firearm needs to be able to show that they have first taken reasonable steps to ascertain the proposed recipient has a firearms licence - a reasonable step would be sighting the licence in person, and using the Firearms Licence Checker to ensure the licence is valid (e.g. not suspended, revoked or surrendered).

**Note:** Pistols, prohibited firearms, restricted weapons, prohibited magazines and pistol carbine conversion kits can only be supplied to a person who has an endorsement and a permit to possess, issued by Police, for the specific item. Therefore, sighting the permit to possess is also reasonable step to take.

## Surrender of firearms licence

A firearms licence holder may surrender their firearms licence to a Police employee at any time (section [27\(1\)](#), Arms Act 1983).

On surrender of a firearms licence, the holder of the licence ceases to be licensed to possess any arms items or ammunition under the licence or endorsement and must on demand deliver ammunition and arms items in their possession or under their control to Police (section [28\(2\)\(a\) & \(b\)](#), Arms Act 1983).

Surrendering a firearms licence which has already been temporarily suspended under section [60A](#) has no effect on the suspension, and the person's firearms licence remains suspended. The licence holder should be advised of this and then, if the licence is not revoked following suspension, followed up to see if they still want to surrender their licence at that point.

The revocation decision maker may permit surrender as an alternative to revocation in some limited cases such as where there is a real prospect of rehabilitation within an appropriate timeframe (for example, where the reason for the consideration of revocation was due to mental health concerns). The reasoning for such action must be fully documented in the licence file.

## Voluntary surrender of arms items by licence holders

If a licensed individual wishes to dispose of a firearm, other arms item, or ammunition, that they held lawfully and no longer want or need, the licence holder needs to:

- inform the Te Tari Pūreke Registry Team of their intention to surrender the item for destruction and provide details of the item in line with Part 3, Schedule 1B of the Arms Regulations 1992
- complete an Arms Surrender Form, in which they will authorise destruction without compensation
- contact their Regional arms office to arrange an appointment for a secure handover to a member of Te Tari Pūreke.

Arms Managers may authorise the destruction of voluntarily surrendered arms items as described above **where an Arms Surrender Form has been completed and signed by the licence holder**. Arms items surrendered by a licence holder without a completed FRM67S '[Arms Surrender Form](#)' must not be destroyed. After destruction, the Arms Office should advise the Registry and Services Team of the destruction of the arms item.

For all other instances where arms items were seized or detained under the Arms Act 1983, disposal or destruction (for example, as a result of a seizure, or temporary suspension) must be authorised Commissioned Officers only (s 70, Arms Act 1983). Refer to the [Disposal and Destruction of non-Police firearms](#) chapter.

## Firearms licence expiry

### Person's licence due to expire while they are overseas

Licence holders whose licence is likely to expire whilst they are absent from New Zealand should be encouraged to surrender their firearms licence and should be advised that parts of the application process require them to be in New Zealand.

A licence holder who will not be in New Zealand when their licence expires can surrender their licence before they leave New Zealand, noting that if their licence expires whilst overseas they would need to apply again as though they are a first time licence holder.

Further to this, enquiries should be made as to the safe storage or disposal of any firearms that were in their possession in New Zealand.

### Failure to renew licence before expiry

Responsibility to apply for a new firearms licence before expiry of an existing one remains with the licence holder. There is a national process managed by the National Support Team which notifies licence holders of a pending expiry before the expiry of the licence.

This reminder process does not absolve the licence holder from their responsibility to keep their licence current. Failure to receive any reminder notices which may be sent out to them does not give the licence holder a reason to challenge the consequences of allowing their firearms licence to expire.

### Following up on expired licence holders

The Firearms Compliance Team monitor expired firearms licences. Expired licence holders must be contacted to ascertain the whereabouts of any firearms and ammunition to ensure there is no unlawful possession.

A reasonable investigation into the whereabouts of the licence holder and their firearms or ammunition should be undertaken prior to sending the expired licence holder written confirmation of the expiry of their licence and updating their licence file in NIA. Only when Te Tari Pūreke are satisfied that the expired licence holder has no firearms or ammunition in their possession can the firearms licence status be changed to 'Expired and Explained' in NIA.

In the event the licence holder is deceased when following up on the expired licence, the guidance under 'Death of licence holders' below should be followed.

**Note:** A licence holder applying for a new licence and who applies before expiry of their current firearms licence is treated as being a current licence holder (with their licence and any endorsements or conditions continuing in force) until a determination is made on their application (for further information refer to the [Duration of a firearms licence](#) - effect of Arms Amendment Act 2022 section above).

A licence holder who applies after the expiry date is unlicensed until their new licence is issued and

cannot lawfully possess firearms or ammunition until their new licence is issued. To avoid this occurring, licence holders are encouraged to apply well in advance of expiry. A person whose licence has expired before their new one has been issued is generally advised to store their firearms with another (current) licence holder where that is possible. It is an offence for an expired licence holder to possess firearms.

## Death of firearms licence holders

The Firearms Compliance Team monitor and manage deceased licence holders.

### Action by Te Tari Pūreke upon death of licence holder

When Te Tari Pūreke become aware of the death of a licence holder, they should contact the licence holder's next of kin, family members or household member(s) and account for the firearms licence card and any arms items. Any arms items should be transferred to another licence holder or surrendered to Police or a dealer.

The firearms licence in NIA should be set to 'Cancelled' once the person's dossier has been set to 'deceased' and the licence card and arms items account for.

In some circumstances, unlicensed next of kins, family members or household members may require assistance with the arms items. In the interests of personal and public safety, where such persons ask for assistance or for Police to uplift the arms items, this should be arranged.

Where a licence holder dies, information held about that licence holder should be retained in line with the [Retaining firearms files](#) section above.

### Registry requirements - action by Executors/administrators of the estate on death of licence holder

Regulations require that specified information must be provided to Police for inclusion in the Registry by any person who becomes an executor/administrator of the estate of a deceased person who was in possession of arms items.

The specified information includes the following:

- Upon the death of a licence holder
  - a photocopy, electronically scanned copy or photograph of the death certificate of the licence holder
  - the name and bona fides of the executor of administrator (e.g. the letters of administration or probate).
  - details of any identification markings on the arms items (such as a serial number)
  - the transfer details of the specified arms item(s) to a licensed dealer or firearms licence holder as required in Schedule B, Part 4 (1)(a)(i), (ii) and (iii).

For more information about the Registry see the [Firearms Registry](#) arms chapter.

### Action by personal representative on death of licence holder - pistols, restricted weapons, prohibited firearms or prohibited magazines

If a licence holder who possessed a pistol, restricted weapon, prohibited firearm, or prohibited magazine dies, the licence holder's personal representative or any other person who obtains possession of the

pistol, restricted weapon, or prohibited firearm or magazine must notify the Police of:

- the death; and
- the location of the pistol, restricted weapon, or prohibited firearm or magazine (Regulation [18](#)).

All pistols, restricted weapons or prohibited firearms or magazines must be promptly accounted for and transferred to a person with the appropriate endorsement type and security.

A responsible licence holder will usually make prior arrangements for a representative to secure and account for all firearms in their possession should they become incapacitated or die, whether or not regulation [18](#) applies to them. This is particularly useful when the licence holder possesses a large quantity of firearms or a collection.

When all firearms listed against the licence of a deceased person have been removed from the licence in NIA, and all firearms that the person possessed are accounted for, the licence can be cancelled in NIA and AIS and the licence card destroyed by Police.

## Miscellaneous information

### Notifying behaviour that may mean a licence holder is not fit and proper to possess or access firearms

Where staff become aware of behaviours that suggest a licence holder may not be fit and proper to possess or use firearms, for example if Police receive a concerning email or phone call from the licence holder or someone known to them, they should discuss the situation with their supervisor or manager first, and enter an intelligence noting in NIA.

The supervisor or manager may bring this to the attention of the Compliance and Resolutions Team, where appropriate. For more information see [Compliance \(revocations etc\)](#) arms chapter.

### Supervision by Licence Holders (Immediate Supervision)

It is an offence to possess a non-prohibited firearm without a licence (section [20](#)). However, there is a defence to this offence if the non-licence holder possesses the non-prohibited firearm:

- for use under the immediate supervision of a firearms licence holder; and
- at all times while in possession of that firearm, the non-licence holder is under the immediate supervision of the firearms licence holder. (Section [22\(2\)\(a\)](#) Arms Act 1983).

Similarly, it is an offence for a person who is 16 or 17 years of age to possess an airgun without a firearms licence (section [21\(2\)](#)). However, there is a defence to this offence if the 16- or 17-year-old non-firearms licence holder possesses the airgun:

- for use under the immediate supervision of either a firearms licence holder or a person of or over the age of 18 years; and
- at all times while in possession of that airgun, the 16 or 17 year old non-firearms licence holder is under the immediate supervision of that firearms licence holder or person of or over the age of 18 years (Section [22\(2\)\(b\)](#) Arms Act 1983).

The scope of the supervision exemption and the meaning of "immediate supervision" was considered in [Police v More \[2012\] DCR 336](#) where Judge McGuire cited Fisher J in an earlier case of *Allen v Police* (High Court, Hamilton, AP92/90, 1 October 1990) as follows:

*"...three considerations seem helpful. The first is the limitation inherent in the word "immediate". That suggests close or proximate supervision. Secondly, there is the apparent object of the Act indicated by its long title. It is an Act "to promote both the safe use and the control of firearms and other weapons". Supervision would need to be immediate enough to preserve safe use and control. Thirdly, the exemption could not be so wide as to make the primary prohibition against unlicensed use a charade.*

*With those considerations in mind, I think that 'immediate supervision' must be taken to require that at all times that the firearm is in the possession of an unlicensed person, the supervising licensee will be physically present so that he can actively supervise the activities of that person. Some analogy might usefully be drawn with a trainee motor vehicle driver where the licensee must be physically present in the front*

*passenger seat next to the trainee. I think that the same requirement of physical presence applies here..."*

Other case law supports the view that it is essential for safety that the supervising licence holder must be able to control where the firearm is pointing to ensure that the muzzle is always pointed in a safe direction, and that the target is identified beyond all doubt, and that the firing zone is checked.

There is some scope for minor variation of what is generally understood to be immediate supervision when the use of firearms is at an approved range (such as a small-bore target shooting range) where a range officer would supervise a small amount of people (for example 5 or less people) and have the appropriate operating procedures and safety mechanisms in place to ensure the safety of the participants.

## **Supervision of airsoft and paintball sports**

There is some scope for minor variation of what is generally understood to be immediate supervision when the use of airguns is for airsoft or paintball sports, which take place at an airsoft or paintball club or arena.

This is a controlled environment in which airsoft and paintball guns are used together with close supervision that is sufficient to ensure safety of participants and that anyone under 18 is under supervision. The supervisors, usually a staff member at the club or arena, must always have visibility and control over the participants.

For more information about airguns, see the [Airguns arms](#) chapter.

## **Revoked persons and immediate supervision**

There is a specific offence under section [49A](#) of the Arms Act 1983 for possession of a firearm or airgun by a person whose firearms licence has been revoked.

### **Firearms**

A person whose firearms licence has been revoked may not possess firearms, not even under supervision (the immediate supervision defence contained in section [22\(2\)\(a\)](#) only applies to offences against section [20](#) and [21](#), and not to an offence against section [49A](#)). This was confirmed in [HBT v Police](#) (HC, Palmerston North, CRI-2010-454-51, 29 April 2011, at [53] to [60]). See also Compliance/revocations arms chapter.

### **Airguns**

Those aged 16 or 17 years whose firearms licence has been revoked may not possess airguns, not even under supervision (the immediate supervision defence contained in section [22\(2\)\(b\)](#) only applies to offences against sections [20](#) and [21](#), and not to an offence against section [49A](#)).

Where a revoked person who is 18 years or over is in possession of an airgun, consideration should be given to requiring surrender of the airgun in accordance with section [66C](#) of the Arms Act as they may be not fit and proper to possess the airgun.

## Arriving in New Zealand with arms items or ammunition

All persons arriving in New Zealand with arms items or ammunition must declare them to NZ Customs.

Any person arriving in New Zealand with arms items or ammunition without a New Zealand firearms licence and permit to import the items, will have them detained by NZ Customs, who may then provide them to Police. Where seized items come to Police, they should be recorded in PROP.

A person may apply for a permit to import the items; however, due consideration must be given to the fact that the person unlawfully imported the items. Permits to import should only be issued retrospectively in rare and exceptional circumstances.

The Permit Team - Te Tari Pūreke manage permits to import.

## Change of name by marriage or deed poll

There is no requirement for a licence holder to obtain a new licence because of a name change by deed poll or marriage. In many cases they may decide to wait until their present licence expires before they obtain a new licence in their new name.

If a licence holder requests a replacement licence with their new name, they must pay the replacement licence fee.

Before issuing a licence card in the new name relevant NIA identity checks must be made together with a search of NIA notings, occurrences and offence records. Any identified issues that bring the licence holders fit and proper status into question should be referred to the National Resolution Team for consideration.

The old name and the new name must be checked. In the case of lost or stolen cards the applicant must provide a written statement or declaration with respect to the circumstances of the loss.

## Adding to or altering a firearms licence

Every person commits an offence who:

- with intent to deceive, adds to, or alters on or erases from, any licence, any words or figures; or uses or retains such a licence.
- (being a firearms licence holder) wilfully parts with possession of their licence in order that it may be used by another person
- uses or attempts to use a licence issued in the name of another with the intention of procuring possession of an arms item or ammunition
- supplies false particulars in any licence application under the Act, knowing them to be misleading (section 42).

## Retaining firearms files etc.

Under section [17](#) of the Public Records Act and the NZ Police Disposal Authority (DA648 Disposal

Schedule, Part 2 at page 13, which can be viewed via the link on [this page](#), Police is required to keep licence holder files, including applications and permits until 10 years after the licence holder's death as a minimum (it is an offence to dispose of earlier - section [61](#) Public Records Act).

The business process in NIA is that a firearms electronic case should only be 'filed' once a person is deceased. NIA firearms licence cases for people who are alive are to only be 'inactivated', which includes, current, expired, surrendered, revoked etc., firearms licence records.

When the NIA electronic case is filed or inactivated, the hard copy file associated with that licence record must be retained as per the Public Records Act. The hard copy file may be reduced in size by removing duplicated paperwork and printouts from NIA but essential paperwork such as the vetting guides, interview records and applications for a licence, endorsement or permit must be retained.

The hard copy file may be sent to offsite storage with the Police contractor in accordance with guidelines from the Police National Records Officer. The hard copy file must be available to licensing staff when the licence holder applies again, should the staff member wish to look at the file.

NIA case electronic files are never destroyed, and archiving is managed by the NIA system.

Registry records also need to be retained for a set period of time. Regulation [46](#) outlines that records in respect of an individual firearms licence holder must be kept for 3 years after the death of a licence holder, even if the person was no longer a licence holder at the time of their death.

# Appendix One

## Section 22H - Disqualified Persons

A person is disqualified from holding a firearms licence if:

- the person has, within the previous 10 years, been convicted, or been released from custody after being convicted, of any of the following offences:
  - an offence under section [16\(4\)](#), [16A](#), [44A](#), [50A](#), [50D](#), [51A](#), [53A](#), [54](#), [54A](#), [55](#), [55A](#), [55D](#), [55E](#), or [55F](#) of the Arms Act
  - a specified violent offence as defined in section 4 of the Victims' Orders Against Violent Offenders Act 2014
  - an offence under section [92](#), [98](#), [98A](#), [189A](#), [199](#), [202C](#), [238](#), [267\(1\)](#), [269\(1\)](#) and [\(3\)](#), [306](#), or [308A](#) of the Crimes Act 1961
  - an offence under section [6](#), [9](#), [10](#), [11](#), [12](#), [12A](#), [12AB](#), or [12F](#) of the Misuse of Drugs Act 1975; or
- the person has, or has had within the previous 10 years, a protection order, other than a temporary order, made against them under
  - section [79](#) of the Family Violence Act 2018; or
  - section [14](#) of the Domestic Violence Act 1995
- the person is subject to a firearms prohibition order.

A person who meets any criteria outlined in section [22H](#) cannot apply for a firearms licence (section [23](#)). They are subject to a 10-year stand-down from applying for a firearms licence. When such a person does apply the application should be rejected and the applicant informed in writing of the reasons. This is not a refusal of an application as the application cannot be made. Nevertheless, a licensing file is created, and full records kept of the application and its rejection.

It is open to the applicant to challenge the facts upon which the application has been rejected, if they consider those facts to be inaccurate.

The 10 years stand down period in section [22H](#) runs from the date that:

- the person is convicted, or
- the date that they are released from custody, or
- the date the final protection order is issued (Note: in some cases it is useful to liaise with the District Court that issued the protection order to ensure it is still active and has not been discharged, especially if NIA has not been updated properly)

### Calculating the Stand-down

The 10-year term expiry is calculated from the date the protection order was made final or the relevant conviction or release from custody occurs/occurred.

A licence application cannot be moved from triage to the vetting process unless the 10-year period has lapsed. Applications are not to be held over in the queue so that the 10-year stand-down can expire

during the wait. Therefore, an application received prior to the end of the 10-year stand-down period must be rejected in all cases, with the applicant advised an application received from them cannot be made and processed until the end the day after the 10-year stand-down period ends.

To better understand how to count the period of disqualification, please refer to the below examples which are accurate as of December 2024:

### Convictions and Custody Release

<b>Licence Application Date:</b>	<b>Conviction Date:</b>	<b>Custody Release Date:</b>	<b>Disqualified:</b>	<b>Until:</b>
01 May 2022	15 February 2005	30 September 2015	Yes	30 September 2025
01 May 2022	15 February 2009	N/A	No	N/A
01 May 2022	15 February 2009	30 April 2012	No	N/A
01 May 2022	15 February 2014	30 September 2019	Yes	30 September 2029
01 May 2022	19 September 2017	N/A	Yes	19 September 2027

### Protection Orders

<b>Licence Application Date:</b>	<b>Protection Order Issue Date:</b>	<b>Discharged Date:</b>	<b>Disqualified:</b>
01 May 2022	19 September 2017	Still active	Yes - Protection Order is still active
01 May 2022	19 September 2017	21 March 2019	Yes - The Protection Order was made/issued within the last 10 years
01 May 2022	15 February 2009	Still Active	Yes - Protection Order is still Active
01 May 2022	15 February 2009	30 April 2012	No - Protection is no longer active and was made/issued over 10 years ago
01 May 2022	15 February 2002	30 September 2022	No - Protection is no longer active and was made/issued over 10 years ago

## **Transitional period - people who held a firearms licence prior to 24 December 2020**

Any person who held a firearms licence prior to 24 December 2020 did not become disqualified from holding the firearms licence even if, within the 10 year period before 24 December 2020, they had a specified conviction or have a Protection Order issued against them. While they continue to hold a firearms licence, when they apply for a new firearms licence, and if they meet the criteria of section [22H](#) upon application, then they are disqualified from applying for that firearms licence.

Some people might not be aware that they still have a protection order made against them, especially where the protection order was made years or decades ago. In these situations, Police should advise the

person applying that, even if it is 10 years since the order become final, for them to be eligible to apply for a firearms licence they will need to apply to have the final order discharged by a court.

## Undischarged Protection Orders and Standard Arms Conditions

Section [22H\(b\)](#) applies to protection orders which have become final. It does not apply to temporary orders.

When a temporary order is in place with the conditions relating to weapons included, the person cannot apply for a firearms licence and any current licence is suspended.

When a licence is suspended or revoked by section [79](#) of the Family Violence Act 2018, or section [14](#) of the Domestic Violence Act 1995, the licence holder must surrender any firearms or other weapons to Police, together with their licence.

When a protection order becomes final, section [22H\(b\)](#) applies to the order whether or not the condition for possessing arms has been varied. The person who is the subject of the final order is disqualified from holding a firearms licence.

## Licence Holder who becomes disqualified

Should a firearms licence holder become disqualified from holding a firearms licence under section [22H](#) of the Arms Act 1983, the firearms licence will become immediately revoked (Section [27B](#), Arms Act 1983).

A dealer's licence possessed by that person will also become revoked. There is no right of appeal or review of this revocation.

See also '[Compliance \(revocations\)](#)' arms chapter.

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